

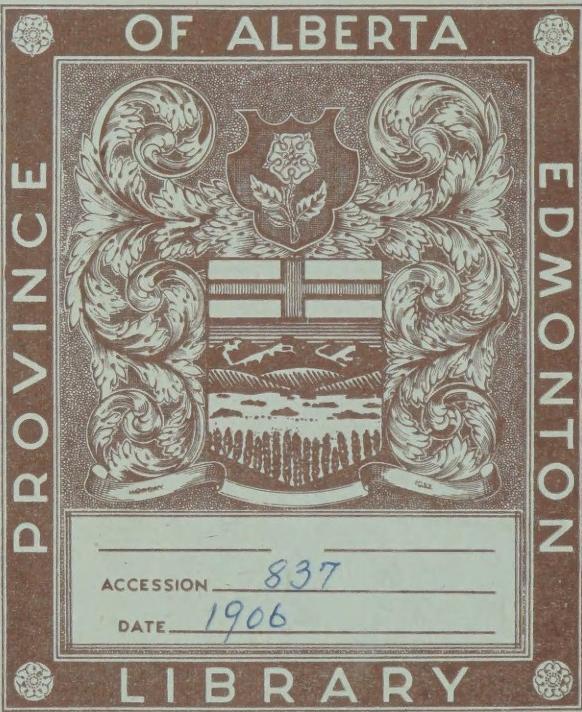
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ORDER

OF

THE LIEUTENANT GOVERNOR IN COUNCIL

HAVING FORCE OF LAW



REGINA:

JOHN A. REID, GOVERNMENT PRINTER
1904,

ORDER IN COUNCIL

REGISTRATION DISTRICT OF SOURIS.

GOVERNMENT HOUSE,

Regina, Wednesday, January 9, 1901.

Under the provisions of *The Bills of Sale Ordinance*, His Honour the Lieutenant Governor, by and with the advice of the Executive Council, has been pleased to Order that from and after the first day of March, A.D. 1901, a new registration district for the purpose of the registration of mortgages and other transfers of personal property in the Territories be established, to be known as the Registration District of Souris, to comprise all that portion of the Registration District of Moosomin as defined by *The Consolidated Ordinances 1898*, Chapter 43, Section 2, which lies south of the line between Townships 6 and 7 in the Dominion lands system of survey; that Walter Walsh, of Oxbow, Assiniboia, be appointed Registration Clerk for the said Registration District of Souris; and that his office as such Registration Clerk be kept at Oxbow aforesaid; and that from and after the first day of March A.D. 1901, the boundaries of the said Registration District of Moosomin be altered by excluding therefrom the said portion of the existing Registration District of Moosomin so established as the Registration District of Souris.

JOHN A. REID,

Clerk Executive Council.

Vide North-West Territories Gazette, Vol. 18, No. 2.

ORDINANCES
OF
THE NORTH-WEST TERRITORIES

PASSED IN THE THIRD SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY

BEGUN AND HELD AT REGINA ON THURSDAY, THE SECOND
DAY OF MAY, AND CLOSED ON WEDNESDAY,
THE TWELFTH DAY OF JUNE,

1901



HIS HONOUR AMÉDÉE EMMANUEL FORGET,
LIEUTENANT GOVERNOR

REGINA
JOHN ALEXANDER REID, GOVERNMENT PRINTER
1904

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41. An Ordinance to authorise the City of Calgary to use the waters and falls of the Bow River at or near Kananaskis or the waters and falls of the Elbow River for Electric purposes.
42. An Ordinance to Incorporate the Town of Red Deer.
43. An Ordinance to Incorporate the Town of Cardston.

1901

CHAPTER 1.

An Ordinance for granting to the Lieutenant Governor certain Sums of Money required for defraying certain Expenses of the Public Service for the Financial Year ending The Thirty-first day of December, 1901, and for other purposes.

[Assented to June 12, 1901.]

MAY IT PLEASE YOUR HONOUR:

WHEREAS it appears by Message from His Honour Preamble Amedée Emmanuel Forget, the Lieutenant Governor of the North-West Territories, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Ordinance are required to defray certain expenses of the public service of the Territories not otherwise provided for during the financial year ending the thirty-first day of December one thousand nine hundred and one and for other purposes relating thereto: May it therefore please Your Honour that it may be enacted and be it enacted by the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories as follows:

1. This Ordinance may be cited as "*The Appropriation* Short title *Ordinance 1901.*"

2. From and out of the general revenue fund there shall Appropriation for 1901 and may be paid and applied a sum not exceeding in the whole five hundred and eighty-nine thousand one hundred and twenty dollars and twenty-five cents (\$589,120.25) towards defraying the several charges and expenses of the public service of the Territories for the financial year ending the thirty-first day of December in the year of Our Lord one thousand nine hundred and one not otherwise provided for and set forth in schedule A to this Ordinance and also for the other purposes in the said schedule mentioned.

3. From and out of the general revenue fund there shall Provisional appropriation for 1902 and may be paid and applied a sum not exceeding in the whole Sixty thousand dollars (\$60,000.00) to defray the expenses of legislation, maintenance of public institutions, salaries of the officers of the Government and public service and for all other services of the Government coming in course of payment from the first day of January in the year of Our Lord one thousand

nine hundred and two up to and until the final passage of the estimates of expenditures for the financial year one thousand nine hundred and two as set forth in schedule B to this Ordinance.

Accounts

- 4.** The due application of all moneys expended under this Ordinance shall be accounted for.
-

SCHEDULE A.

Sums granted to the Lieutenant Governor by this Ordinance for the financial year ending December thirty-first one thousand nine hundred and one and the purposes for which they are granted:

CIVIL GOVERNMENT.

Executive Council	\$ 14,400 00
Attorney General's department	5,620 00
Territorial Secretary's department	2,110 00
Treasury department.	6,890 00
Public Works department.	15,020 00
Agriculture department.	7,090 00
Education department.	5,040 00
	————— \$56,170 00

LEGISLATION.

To defrayed expenses of legislation	\$ 22,275 00
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ADMINISTRATION OF JUSTICE.

Supreme Court.	500 00
Miscellaneous Justice.	2,300 00
Administration of <i>The Liquor Licence Ordinance</i>	5,500 00
	————— \$ 8,300 00

PUBLIC WORKS.

To defray expenses of Public Works.	\$258,810 00
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EDUCATION.

To defray expenses of Education.	\$204,100 00
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AGRICULTURE AND STATISTICS.

To defray expenses of Agriculture and Statistics	\$ 19,928 50
--	--------------

1901

APPROPRIATION

Cap. 1

HOSPITALS, CHARITIES AND PUBLIC HEALTH.

To defray expenses of Hospitals,
Charities and Public Health..... \$ 14,136 75

MISCELLANEOUS.

To defray Miscellaneous expenditures \$ 5,400 00

\$589,120 25

SCHEDULE B.

Sum granted to the Lieutenant Governor by this Ordinance
for the year one thousand nine hundred and two and the
purposes for which it is granted:

To defray the expenses of legislation, maintenance
of public institutions, salaries of the officers
of the Government and public service, and
for all other services of the Government
coming in course of payment from the first
day of January, 1902, up to and until the
final passage of the estimates of expenditures
for the financial year 1902..... \$60,000 00

1901

CHAPTER 2.

An Ordinance to amend Chapter 1 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting the Form and Interpretation of Ordinances."

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Clause 19 of
section 8
amended

Victoria Day

1. Clause 19 of section 8 of *The Interpretation Ordinance* is hereby amended by inserting after the words "Arbour Day" where they occur therein the following words: "the twenty-fourth day of May or when such day falls on a Sunday the twenty-fifth day of May to be known as 'Victoria Day.'"

1901

CHAPTER 3.

An Ordinance to amend Chapter 5 of the Consolidated
Ordinances 1898, intituled "An Ordinance
respecting the Public Service of the Territories."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and
consent of the Legislative Assembly of the Territories
enacts as follows:

1. Subclause (g) of section 4 of *The Territories Public
Service Ordinance* is hereby repealed and the following
substituted therefor:

"(g) The Department of Education."

1901

CHAPTER 4.

An Ordinance respecting Public Works.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be known and cited as "*The Public Works Ordinance.*" C.O., c. 9, s. 1.

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires—

- "Department" 1. The expression "department" means the Department of Public Works for the North-West Territories;
- "Commissioner" 2. The expression "commissioner" means the Commissioner of Public Works for the Territories;
- "Deputy commissioner" 3. The expression "deputy commissioner" means the deputy commissioner or the person performing his duties for the time being;
- "Chief engineer" 4. The expression "chief engineer" means the chief engineer of the department or the person performing his duties for the time being;
- "District surveyor and engineer" 5. The expression "district surveyor and engineer" means the district surveyor and engineer for any public works district appointed as herein provided or any surveyor or engineer employed from time to time by the commissioner to perform any of the duties imposed upon district surveyors and engineers by this Ordinance;
- "Public works district" 6. The expression "public works district" means any portion of the Territories which may from time to time be set aside as a public works district with a distinctive name;
- "Surveyor" 7. The expression "surveyor" means a land surveyor duly authorised under the provisions of *The Dominion Lands Act* or any Ordinance to survey lands in the Territories;
- "Road allowance" 8. The expression "road allowance" means any road allowance laid out under the provisions of *The Dominion Lands Act*;
- "Public road" 9. The expression "public road" means any road surveyed

and set aside as a public highway under the provisions of *The North-West Territories Act* or this Ordinance;

10. The expression "ditch" or "drain" means any ditch or "Ditch or drain" open or covered wholly or in part and whether in the channel of a natural stream, creek or watercourse or not and also the work and materials necessary for any culvert, catch basin or guards; and any ditch or drain constructed by the department may be called "Government Ditch" and distinguished by a number;

11. The expression "construction" means the original work "Construction" of constructing any public work or opening or making any road allowance, road, ditch or drain;

12. The expression "maintenance" means and includes the "Maintenance" preservation and keeping in repair of any public work, road allowance, road, ditch or drain;

13. The expression "public work" means lands, streams, "Public work" watercourses and property (real or personal) heretofore or hereafter acquired for public works; dams, hydraulic works and other works for improving the navigation of any stream; dams, slides, piers, booms or other works for facilitating the transmission of logs or timber; dams erected for the storage of water, water powers and works connected therewith; roads, culverts, bridges, ditches, drains, public buildings and wells;

14. The expression "written" or "writing" or terms of like "Written" or import mean and include words printed, engraved, lithographed "writing" or otherwise traced or copied;

15. The expression "official valuator" means the official "Official valuator" appointed to that position as herein provided;

16. The expression "owner" includes any person who by "Owner" any right, title or estate whatsoever is or is entitled to be in possession of any land;

17. The expression "outlet" means any river, creek, water- "Outlet" course or natural drainage channel;

18. The expression "person" includes partnerships and "Person" companies;

19. The expression "ferry" or "ferries" means any scow, "Ferry" or barge or boat used for the purpose of carrying passengers, freight, vehicles or animals across any river, stream or other body of water and the cable and appliances connected therewith;

20. The expression "licence" means the licence issued to "Licence" any person to operate a ferry under the provisions of this Ordinance, C.O., c. 9, s. 2; C.O., c. 15, s. 2; C.O., c. 18, s. 2.

ORGANISATION AND DUTIES OF THE DEPARTMENT.

3. There shall be a department of the public service of the Organisation of department North-West Territories called the Department of Public Works

Commissioner
of public
works

over which the member of the Executive Council appointed by the Lieutenant Governor under the seal of the Territories to discharge the functions of the Commissioner of Public Works for the time being shall preside. C.O., c. 9, s. 3.

Administration

4. The commissioner shall have the administration, management and control of the department and of the general business thereof; and shall oversee and direct the officers, clerks and servants of the department. C.O., c. 9, s. 4.

Government
buildings

5. The commissioner shall also have the management, charge and direction of the construction, heating, lighting, furnishing, maintenance and keeping in repair of all government buildings. C.O., c. 9, s. 5.

Appointment
of officials to
care for
government
buildings

6. With the approval of the Lieutenant Governor in Council the commissioner shall also appoint and control the officers and servants necessary for the proper care and maintenance of the government buildings. C.O., c. 9, s. 6.

Control of
public works

7. The commissioner shall also have the control and management of the construction and maintenance of all public works; and of the issue of any and all maps and plans needed by the department or by any other department of the North-West Government; he shall also deal with all questions affecting obstructions to any road allowance or public highway which has been vested in the North-West Government for public use, including the crossing of such road allowances or public highways by irrigation ditches, canals or other works; and with the providing and maintaining of public or private ferries as herein provided on any river or stream or other body of water in the Territories; and shall have such other powers and duties as may from time to time be assigned to him by the Lieutenant Governor in Council. C.O., c. 9, s. 7.

Deputy
commissioner

8. The Lieutenant Governor in Council may appoint an officer who shall be called the deputy commissioner who shall also be chief engineer and surveyor and who shall be the deputy or assistant to the commissioner. C.O., c. 9, s. 8.

Duties of
deputy
commissioner

9. The deputy commissioner shall prepare or cause to be prepared maps, plans, specifications and estimates for all public works which are about to be constructed, altered or repaired as directed by the commissioner; he shall report for the information of the commissioner on any question relating to any public work which is submitted to him; he shall examine, revise and approve the plans, specifications and estimates of other surveyors, engineers, architects and officers in respect to any public work; and generally he shall advise the commissioner on all surveying, engineering and architectural questions affecting any public work; he shall also prepare reports and conduct under the direction of the commissioner the correspondence of the department and see that all contracts entered

into by the commissioner are properly drawn out and executed, that all letters, reports and other documents are properly copied or filed as the case may be and generally do and perform all such acts and things pertaining to the business of the department as he may from time to time be directed by the commissioner. C.O., c. 9, s. 9.

VERIFICATION OF ACCOUNTS.

10. The commissioner may require any account sent in by any person employed by the department to be verified by oath, affirmation or statutory declaration which as well as that to be taken by any witness may be administered or taken by the commissioner or by the deputy commissioner. C.O., c. 9, s. 11.

11. The commissioner may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

(2) For the time lost and expenses incurred by any person in obedience to such notice, such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the Treasurer on the certificate of the commissioner.

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the commissioner or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25 and on nonpayment of such fine forthwith after conviction to imprisonment for one month. C.O., c. 9, s. 12.

PUBLIC PROPERTY.

12. All lands, streams, watercourses and property (real or personal) heretofore or hereafter acquired for the use of public works; all dams, hydraulic works and other works for improving the navigation of any water; all slides, dams, piers, booms and other works for facilitating the transmission of logs or timber; all dams erected for the storage of water; all hydraulic powers created by the construction of any public work; all roads and bridges; all public buildings; all vessels, dredges, scows, tools, implements and machinery for the improvement of navigation; all drains and drainage works; all ferries; all wells; and all property heretofore or hereafter acquired, constructed, repaired, maintained or improved at the expense of the Territories and not under the control of the Dominion Government shall be and remain vested in His

Majesty and so far as not under the control of any other department shall be under the control of the department of public works. C.O., c. 9, s. 13.

Other works
may be
declared
public works

13. The Lieutenant Governor in Council may from time to time declare any other property (real or personal) and any works, roads, bridges, harbours, booms, slides, buildings or other thing specified in the last preceding section and purchased or constructed at the public expense to be public works subject to the provisions of this Ordinance; and they shall thenceforth be vested in His Majesty and under the control of the department. C.O., c. 9, s. 14.

Maps, etc., not
private pro-
perty, may be
required by
department

14. Any person having possession of any maps, plans, specifications, estimates, reports or other papers, books, drawings, instruments, models, contracts, documents or records relating to any public work who refuses or neglects upon demand of the commissioner or other person authorised to require it forthwith to deliver the same to the department shall be guilty of an offence and liable on summary conviction thereof to a penalty of \$25 and on nonpayment forthwith on conviction to imprisonment for one month. C.O., c. 9, s. 15.

Public pro-
perty may be
sold

15. Any property (real or personal) when no longer required for the use of any public work may be sold, leased or otherwise disposed of under the authority of the Lieutenant Governor in Council; and the proceeds of all such sales, leases and dispositions shall be accounted for as public money:

Proviso

Provided always that such property shall whenever practicable be so sold, leased or disposed of by tender or public auction. C.O., c. 9, s. 16.

CONTRACTS.

Commissioner
may enter
into contract

16. The commissioner shall have power to enter into any contract with any person or corporation that may be necessary or advisable in carrying out the provisions of any Ordinance of the Legislative Assembly; but no deeds, contracts or writings shall hereafter be deemed to be binding on the department nor shall be held to be the acts of the commissioner unless signed by him or by the deputy commissioner. C.O., c. 9, s. 18.

Tenders to be
invited

17. It shall be the duty of the commissioner to invite tenders by public advertisement or by other public notice for the construction and repair of all public works except in cases when from the nature of the work it can be more expeditiously and economically executed by order or commission or by or under the direction of the officers of the department. C.O., c. 9, s. 19.

Exceptions

18. The commissioner when any public work is being carried out by contract and in other cases may require that security be given to and in the name of His Majesty for the due performance of the work within the amount and time specified

for its completion; and in all cases where it seems to the commissioner not to be expedient to let such work to the lowest bidder it shall be his duty to report the same and obtain the authority of the Lieutenant Governor in Council previous to passing by such lowest tender; but no sum of money shall be paid to the contractor nor shall any work be commenced on any contract until the contract has been signed by all the parties named therein nor until any security required has been given. C.O., c. 9, s. 20.

19. All contracts respecting any public works or property (real or personal) under control of the department heretofore entered into by the commissioner or by any other person duly authorised to enter into the same shall enure to the benefit of His Majesty and may be enforced as if they had been entered into with His Majesty under the authority of this Ordinance. C.O., c. 9, s. 21.

ACTIONS AND SUITS.

20. All actions, suits and other proceedings for the enforcement of any contract or for the recovery of any damages for any tort or breach of contract or for the trial of any right in respect of any property (real or personal) under the control of the department shall be instituted in the name of His Majesty by the Attorney General. C.O., c. 9, s. 22.

EVIDENCE OF RECORDS, ETC.

21. Copies of any records, documents, plans, books or papers belonging to or deposited in the department attested under the signature of the commissioner or of the deputy commissioner shall be *prima facie* evidence of the same and shall have the same legal effect as the original in any court or elsewhere. C.O., c. 9, s. 23.

ANNUAL REPORT OF THE DEPARTMENT.

22. The commissioner shall make and submit to the Lieutenant Governor an annual report on all the works under the control of the department to be laid before the Legislative Assembly within ten days from the commencement of the session next following the end of the year for which such report is made with such further information as may be requisite to enable the Legislative Assembly to judge of the working of the department. C.O., c. 9, s. 17.

PUBLIC WORKS DISTRICTS.

23. The Lieutenant Governor in Council may from time to time set aside any portion of the Territories as a public works district; and a notice of the Order setting aside any district describing the boundaries of the district shall be published in the official gazette.

District surveyors and engineers

24. The Lieutenant Governor in Council may appoint one or more qualified persons as district surveyors and engineers for any public works district; and may define their duties and fix the remuneration to be paid such district surveyors and engineers.

(2) A notice of the appointment of any district surveyor and engineer shall be published in the official gazette.

Penalty for obstructing district surveyor

25. Any person who interrupts, hinders or molests any district surveyor and engineer engaged in making any examination, exploration or survey in connection with any work authorised by this Ordinance shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$50 or to imprisonment for a term not exceeding two months or to both.

Examination of witnesses

26. Any district surveyor and engineer may by notice in writing signed by him require the attendance before him at a time and place to be named in the notice of any person deemed necessary touching any matter upon which his attendance is required in connection with any public work; and may by the notice require such person to bring with him all papers, plans, books, documents and things in his possession or under his control bearing in any way upon the matter so before him; and at the time and place appointed by the notice examine the person so notified to be present on oath touching the matter aforesaid.

Remuneration

(2) For the time lost and expenses incurred by any person in obedience to such notice such person shall be entitled to reasonable remuneration to be paid out of the general revenue fund by the Treasurer on the certificate of the commissioner.

Penalty for noncompliance

(3) Any person wilfully neglecting or refusing in any way to comply with the notice of the district surveyor and engineer or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction to a fine of \$25 and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

SURVEYS.

Surveys of trails, etc.

27. The commissioner may from time to time cause surveys to be made by a duly qualified surveyor of any old trail which existed as such prior to the subdivision of the land which it crosses into sections or any road allowance diversion or new road; and one copy of the plans of such surveys approved by the chief engineer shall be deposited in the land titles office for the land registration district within which such old trail, road allowance diversion or new road is situated and a second copy in the department.

Location and width

(2) Such old trails, road allowance diversions or new roads shall be laid out one chain (or sixty-six feet) in width; and in making the survey of any old trail the surveyor may make such changes in the location thereof as he deems necessary without however altering its main direction.

(3) The commissioner may from time to time prescribe a manual of instructions for the guidance of surveyors employed in making any surveys authorised by this Ordinance; and may therein direct the manner in which such surveys shall be marked on the ground and the plans and field notes of the same prepared.

28. The commissioner may close up the whole or any portion of any road allowance or other public road and deal with the land in any such road allowance or other public road as may seem expedient.

(2) All documents necessary to transfer the title to the portion of any road allowance or other public trail which has been closed as herein provided shall be signed by the commissioner.

29. The commissioner may cause to be made by a duly qualified surveyor the survey of any area required for any public building, dam, reservoir, ditch, drain or any other public work.

30. The commissioner may from time to time cause to be made by a duly qualified surveyor or engineer any exploration or investigation needed in connection with the examination of any portion of the Territories to determine the feasibility and cost of any proposed public work.

DRAINAGE.

31. The commissioner may from time to time cause to be made by a district surveyor and engineer the necessary surveys and examinations to determine the feasibility and cost of draining any portion of the Territories occasionally or permanently flooded with water; and may subject to the provisions of this Ordinance proceed with the construction of any and all drains, ditches or works connected therewith necessary to drain such lands.

(2) The commissioner may when the ditches or other works for the drainage or saving from flooding of any land are completed appoint a competent overseer or overseers to take charge of the same.

(3) The commissioner may apportion the cost of the drainage of any lands the property of the Territories among the lands so drained as he may see fit; and the cost so apportioned shall be added to the price of such lands when they are sold.

32. The commissioner may from time to time cause to be made by a district surveyor and engineer the necessary surveys to determine the feasibility and cost of draining any road or other public work; and may subject to the provisions of this Ordinance proceed with the construction of any and all drains needed for such purposes.

No diversion
of water with-
out authority
under Irriga-
tion Act

33. No drain, ditch or other work intended to divert water from any river, stream, watercourse, lake, creek, ravine, canyon, lagoon, swamp, bog, marsh or other body of water shall be constructed until the necessary authorisation therefor has been obtained under the provisions of *The North-West Irrigation Act*.

Contract for
construction
of government
ditch

34. The commissioner may make such arrangements as to him seem fit for the construction of any government ditch either by contract or by day labour under a competent foreman; and for the purpose of such construction may by the contractor, labourers and foreman together with teams, tools, machinery or appliances enter upon any and all lands in whomsoever they are vested and proceed with and complete the construction of such drain or ditch and other works connected therewith.

Penalty for
obstruction.

35. Every person who interrupts, hinders or molests any contractor, foreman, labourer or other employee while engaged under authority of the commissioner in constructing or repairing any government ditch or the works connected therewith shall be guilty of an offence and upon summary conviction thereof liable to a penalty not exceeding \$50 or imprisonment for a period not exceeding thirty days or both.

Capacity of
outlet

36. Every ditch or drain constructed under the provisions of this Ordinance shall be continued to an outlet of sufficient size and capacity to carry off the water delivered from such ditch or drain in addition to the water flowing in such outlet during any period of the year; and if necessary such outlet shall be enlarged as part of the construction of such ditch or drain to make it of sufficient size to carry the additional water delivered from such ditch or drain.

Compensation
for land taken

37. No compensation or damages shall be paid any owner in connection with the construction of any government ditch or drain other than the payment for land taken for such ditch as hereinafter provided.

Construction
of ditch on ap-
plication of
municipality,
etc.

38. Any municipality, local improvement district or village that may desire to construct a ditch or drain which crosses lands not the property of the municipality, local improvement district or village shall make application to the commissioner for the construction of such ditch or drain as a government ditch; and if such application is approved by the commissioner he may order the construction of such ditch or drain and make such arrangements as to him seem fit for the payment by the municipality, local improvement district or village of the cost of such ditch or drain.

Provisions re-
lating to gov-
ernment ditch
to apply

39. The provisions of this Ordinance relating to government ditches shall apply to any ditch constructed upon the application of any municipality, local improvement district

or village as provided in the next preceding section of this Ordinance.

40. Any owner who desires to construct a ditch or drain ^{Ditch of private owner} for the drainage of his land shall if such ditch or drain affects lands other than his own employ the district surveyor and engineer for the public works district within which such lands are situated to make the necessary surveys and prepare the plans, estimates of and cost and other information required in connection with such ditch or drain.

41. Any district surveyor and engineer employed by any ^{Payment for survey} owner in manner provided herein shall be paid for his services by such owner in accordance with a schedule of fees to be from time to time prescribed by the commissioner.

42. Upon completion of the survey of any ditch or drain ^{Application to commissioner} which any owner desires to construct he shall forward an application to the commissioner in form prescribed by the commissioner for authority to construct such drain or ditch; and shall accompany such application with a plan prepared by ^{Plans} the district surveyor and engineer showing the location of the proposed ditch, the names of the owners of lands other than those of the applicant crossed by such ditch and the outlet for the ditch together with any further information necessary to a clear understanding of the location and character of the proposed undertaking; and such plan shall be accompanied by a detailed report by the district surveyor and engineer ^{Report} regarding the manner in which lands crossed by the ditch will be affected thereby, the probable cost of completing the ^{Estimates} construction of the ditch and any further information required by the commissioner.

43. The application, plan, report and estimates required by ^{Permit for construction} the next preceding section shall be filed in the department and shall be examined by the chief engineer who shall make a recommendation to the commissioner for his approval or rejection of the application; and if approved a permit in form as prescribed by the commissioner shall be issued to the applicant authorising him to proceed with the construction of the proposed ditch or drain and granting a definite period for the completion of the construction of the same.

44. The holder of a permit for the construction of a ditch ^{Right of holder of permit} or drain may proceed with the construction of the same across any lands in whomsoever vested but shall pay for the right of way required for such ditch or drain.

45. If the holder of a permit for the construction of a ditch ^{Application to judge to fix compensation} or drain is unable to agree with the owner of any land crossed by such ditch or drain as to the compensation to be paid for the right of way required therefor, he may apply for and obtain from a judge of the supreme court of the Territories an

originating summons returnable before him in chambers calling upon all parties interested to appear before him at such time as he may appoint.

(2) The proceedings upon and incident to any such application shall be in conformity with the provisions of *The Judicature Ordinance*.

Directions by
judge

46. The judge in making any order under the provisions of the next preceding section shall give such directions as he may deem necessary to secure the interests of all the parties concerned.

LANDS REQUIRED FOR PUBLIC WORKS.

Expropriation
of lands for
public works

47. The commissioner may by surveyors, engineers, foremen, agents, workmen and servants enter upon and take possession of any lands in whomsoever vested required for any public work. C.O., c. 15, s. 3.

Survey and
plan

48. Lands taken for any public work shall be surveyed and marked on the ground by a duly qualified surveyor who shall prepare a proper plan of the same. C.O., c. 15, s. 7 in part.

Plan to be ap-
proved by
chief engineer

49. The plans of any lands required for any public work shall be examined and approved by the chief engineer; and one copy thereof shall thereupon be filed in the department.

Application to
judge for vest-
ing order

50. The commissioner may thereupon apply *ex parte* to a judge of the supreme court for an order vesting in His Majesty every estate and interest in the lands shown on the plan in the next preceding section mentioned; and the judge shall upon the production to him of a copy of the said plan certified by the commissioner or chief engineer and a certificate of the commissioner stating that the said lands are required for the purposes of this Ordinance make the said order which shall have the effect of divesting all persons other than His Majesty of any interest in the said land.

Notice of
compensation

51. Upon the filing in the department of the plan of any land taken for any public work as hereinbefore provided the commissioner shall except in cases hereinafter provided for cause to be served by ordinary process of mail upon all persons shown by the records of the land titles office to be interested in the lands so taken a notice setting forth the compensation which he is ready to pay for the lands so taken:

Provided that when compensation is claimed by two or more persons who are unable to agree as to a division thereof the commissioner may pay the same to the clerk of the supreme court nearest to the land affected to be paid out to the parties interested in such proportions as may be ordered by a judge of the supreme court on application therefor.

52. If any person entitled to compensation for lands taken for any public work is dissatisfied with the amount offered therefor as herein provided he shall within one month from the date of the notice provided in the next preceding section notify the commissioner in writing of such dissatisfaction and shall in such notice state the amount he claims as compensation for the lands so taken together with a full statement of the facts in support of his claim. Claim for increased compensation

53. The commissioner shall consider all claims for additional compensation made as herein provided and shall rule upon the same; and his ruling expressed in the form of a written order shall finally fix and determine the compensation to be paid for such lands. Decision of commissioner

OFFICIAL VALUATORS.

54. The Lieutenant Governor in Council may appoint one or more competent persons as official valiators and may define the duties of such officers and fix the remuneration to be paid them for their services. Official valiators

55. The commissioner may employ any official valuator to inspect and report regarding the value of any lands taken for public works, and may empower such valuator to make an offer of compensation to the owner of the lands so taken and such offer shall have the same force and effect as if made by the commissioner under the provisions of section 51 of this Ordinance. Inspection and report

56. If any resistance or opposition is made by any person to the taking by the commissioner or any person authorised by him of lands for public works as provided by this Ordinance a judge of the supreme court of the Territories may on proof of the proper taking of such lands as herein provided issue his warrant to the sheriff of the judicial district within which such lands are situated directing him to put down such resistance or opposition and to put the commissioner or some person acting for him in possession of such lands; and the sheriff shall take with him sufficient assistance for such purpose and shall put down such resistance or opposition and shall put the commissioner or the person acting for him in possession thereof; and shall forthwith make a return to the supreme court of such warrant and of the manner in which he executed the same. Suppression of resistance to commissioner

57. The provisions of sections 47 to 56 inclusive of this Ordinance in so far as they are applicable shall apply to all cases of the taking of lands for public works proceedings for which have been begun before the coming into force of this Ordinance but have not been completed by the transfer of such lands to His Majesty. Provisions of secs. 47 to 56 retroactive

SALE OF LANDS VESTED IN HIS MAJESTY.

Administration
and dis-
posal of public
lands

58. The commissioner shall have the administration and management of all lands taken for public works as herein provided and of all other lands the property of the Territories; and such lands may be disposed of from time to time under regulations to be prescribed by the Lieutenant Governor in Council.

(2) The said lands when required to be leased or transferred may be so leased or transferred under the hand and official seal of the commissioner. 1900, c. 4, ss. 2, 3, 4.

PUBLIC FERRIES.

Public ferries

59. The commissioner may when he deems it expedient to do so establish and maintain a public ferry or ferries on any river, stream or other body of water in the Territories; and may operate such ferry or ferries as a public work collecting thereon such tolls as he may fix and determine. C.O., c. 18, s. 22.

PRIVATE FERRIES.

Licence for
private ferry

60. The commissioner may from time to time issue an annual licence to any person or persons for the establishment and operation of a private ferry or ferries on any river, stream or other body of water in the Territories granting the exclusive right to maintain and operate the said ferry or ferries within the limits specified in such licence and upon such terms as he may deem fit. C.O., c. 18, s. 3.

Licence to
specify tolls,
etc.

61. Every ferry licence granted shall specify the maximum rate of tolls which may be charged on such ferry, the kind and size of the scow, barge or boat to be used in such ferrying, the limits of the river, stream or other body of water within which such ferry is to be operated and the hours during which such ferries shall be operated. C.O., c. 18, ss. 5, 7.

Licence to be
posted up

62. Every person holding a licence for a ferry shall keep it posted up at all times in a conspicuous place on such ferry.

No tolls to be
charged school
children

63. Notwithstanding anything contained in this Ordinance no toll shall be charged for children going to or returning from school and in no case shall His Majesty's mail be obstructed or a higher rate be charged for the conveyance thereof than the rates that may be charged according to the terms of the licence between the hours of six o'clock in the morning and nine o'clock in the evening. C.O., c. 18, s. 8.

Mails not to be
obstructed

64. If any person using an authorised ferry refuses to pay the authorised toll or rates chargeable for ferrying him or his property the licensee of such ferry may forthwith seize any property in possession of the offender then being ferried and hold the same; and such person shall be guilty of an offence

and upon summary conviction thereof shall be liable to a penalty not exceeding \$50 and in default of payment thereof to imprisonment for a period not exceeding two months; and the property so seized shall be liable for the payment of the fine and the toll and the costs of the prosecution and may be sold under distress warrant to satisfy such charges. C.O., c. 18, s. 11.

65. The immediate approaches to every ferry shall be kept ^{Approaches to} _{ferry to be} in such order and condition by the licensee as is necessary to ^{kept in order} make the ferry accessible at all times for loaded vehicles and animals attached thereto without danger or injury. C.O., c. 18, s. 12.

66. A ferry on any stream, river or other body of water ^{Ferry not to} _{injure ford} that may be fordable at any time shall not be used to block up or injure such ford or fords or the landing therefrom; nor shall the licensee do any act which will make the ford on any such stream, river or other body of water more difficult or dangerous than it would otherwise have been. C.O., c. 18, s. 13.

67. Any person unlawfully interfering with the rights of ^{Punishment} _{for interfer-} any licensed ferryman by taking, carrying or conveying ^{ence with} _{rights of licen-} within the limits of any such ferry licence across the stream, _{sed ferryman} river or other body of water on which the same is situate any person or personal property or any vehicle or animal in any scow, barge or boat or any raft or other contrivance for hire or reward or hindering or interfering with such licensee in any way shall be guilty of an offence and upon summary conviction thereof shall be liable to a penalty not exceeding \$100 for each such offence and in default of payment thereof to imprisonment for any period not exceeding three months. C.O., c. 18, s. 16.

PROVISION FOR LOW WATER.

68. In case the water in any stream, river or other body of ^{Licencee to} _{provide small} water in respect of which the licence for the operation of a boat or canoe ferry has been issued becomes too shallow to permit of such ferry being operated, the licensee shall provide and keep a small boat or canoe with which he shall transfer foot passengers and their baggage across such stream, river or other body of water; and for such service the licensee shall be allowed to charge the fees prescribed in his licence for like services by means of the ferry. C.O., c. 18, s. 17.

INSPECTION OF FERRIES.

69. The commissioner may from time to time appoint such ^{Inspection of} _{ferries} person as he may see fit to inspect and report on the condition of any ferry or with reference to the complaint of any person using or desiring to use such ferry; and if at any time the person or persons holding a ferry licence fail to comply with

the written instructions of the commissioner by neglecting to repair any scow, barge or boat used in connection with such ferry or to provide a new scow, barge or boat in place of any one considered as being unsafe or by not providing safe and sufficient immediate approaches to such ferry he or they shall forfeit his or their licences. C.O., c. 18, s. 18.

PENALTIES FOR OFFENCES BY LICENCEES.

Penalty for violating terms of licence or Ordinance

70. Any licensee violating any of the terms or conditions of his licence or of this Ordinance shall be guilty of an offence and be liable on summary conviction thereof to a penalty not exceeding \$50 and in default of payment thereof to imprisonment for any period not exceeding one month unless the fine and costs are sooner paid; and shall be further liable to forfeit his licence under the direction of the commissioner. C.O., c. 18, s. 19.

Fees to be paid to general revenue fund

71. All money received for ferry licences, fees or bonuses under this Ordinance shall be deposited to the credit of the general revenue fund of the Territories. C.O., c. 18, s. 21.

Penalty for unlicensed ferry

72. Any person operating a private ferry without having first obtained a licence therefor as provided by this Ordinance shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine of \$10 for each and every day that such ferry is operated without such licence.

PROTECTION OF PUBLIC WORKS.

Penalty for obstructing public highway

73. Any person who obstructs or interferes in any manner with any road allowance or other surveyed highway vested in His Majesty as herein provided shall be guilty of an offence and upon summary conviction thereof shall be liable to a fine not exceeding \$50 or imprisonment for thirty days or both.

Penalty for injuring public work

74. Any person who carelessly or wilfully breaks, cuts, fills up or otherwise injures any public work shall be guilty of an offence and upon summary conviction thereof be fined a sum not exceeding \$100 and costs and in default of payment after conviction may be imprisoned for a period not exceeding sixty days; and the justice of the peace may further order the offender to forthwith repair any such damage or remove any obstruction as aforesaid.

Traffic on bridges

(2) Any person who rides or drives any horse, mule or horned cattle upon or across any bridge the property of His Majesty at a pace faster than a walk shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$25.

Obstructing bridges

(3) Any person who wilfully places any obstruction on any bridge the property of His Majesty or who in any way prevents, hinders or causes delay to any person desiring to

travel across such bridge shall be guilty of an offence and shall be liable upon summary conviction thereof to a penalty not exceeding \$50.

(4) Every person who uses any bridge the property of His Majesty in connection with the movement of any portable steam engine or any steam traction engine shall provide sufficient plank of not less than two inches in thickness and twelve inches in width to be laid longitudinally upon the flooring of such bridge under the wheels of such portable steam engine or steam traction engine; and any person neglecting or refusing to provide and use such planks shall be guilty of an offence and liable upon summary conviction thereof to a penalty not exceeding \$50. C.O., c. 9, s. 33.

GENERAL.

75. The registration in the land titles office of the plan of the subdivision into lots or blocks of any land not within the limits of an incorporated city or town shall vest the title to all streets, lanes, parks or other reserves for public purposes shown on such plan in His Majesty; and no change or alteration in the boundaries of any such street, lane, park or public reserve shall be made without the consent of the commissioner having been first obtained.

76. A copy of the plan of every subdivision of any section or quarter section of land or any river lot in the Territories into lots or blocks shall be filed in the department.

(2) Such copy shall be duly certified as being a correct copy of the original plan of such subdivision by the surveyor who makes the survey of the same or by the owner of the land shown on such plan or some person on his behalf.

77. The Lieutenant Governor in Council may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance.

78. Chapter 9 of *The Consolidated Ordinances 1898*, chapter 15 of *The Consolidated Ordinances 1898*, chapter 18 of *The Consolidated Ordinances 1898* and chapter 4 of the Ordinances of 1900 are hereby repealed.

1901

CHAPTER 5.

An Ordinance to amend Chapter 11 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Public Printing."

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

"Government" substituted for "Queen's" **1.** Chapter 11 of *The Consolidated Ordinances 1898* is hereby amended by striking out the word "Queen's" wherever it occurs therein and substituting in lieu thereof the word "government."

Section 2 amended **2.** Section 2 of the said Ordinance is hereby amended by inserting after the word "publication" in the second line thereof the words "not less than."

In any Ordinance "Queen's Printer" means "Government Printer" **3.** Wherever the expression "Queen's printer" occurs in any Ordinance it shall be understood to refer to the government printer appointed under the provisions of the said Chapter 11 of *The Consolidated Ordinances 1898* as amended by this Ordinance.

1901

CHAPTER 6.

An Ordinance to further amend Chapter 11 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Public Printing."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Chapter 11 of *The Consolidated Ordinances 1898* is New Section 6 hereby amended by adding thereto the following section:

6. The Territorial Treasurer may advance from time to time out of the general revenue fund on the certificate of the government printer such sums as may be required for the purchase of stationery and other supplies for the use of the departments of the public service not exceeding in the aggregate the amounts appropriated for departmental expenses.

(2) The sums so advanced shall be accounted for under such regulations as may from time to time be made by the Lieutenant Governor in Council.

1901

CHAPTER 7.

An Ordinance respecting Steam Boilers.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

Short title

1. This Ordinance may be cited as "*The Steam Boilers Ordinance 1901.*" C.O., c. 17, s. 1.

INTERPRETATION.

Interpretation

2. In this Ordinance unless the context otherwise requires—

"Boiler"

1. The expression "boiler" does not include boilers used for heating water for domestic purposes or generating steam solely for heating buildings or railway locomotive or steamboat boilers but means and includes all other steam boilers and every part thereof or thing connected therewith and all apparatus and things attached to or used in connection with any such boiler;

"Owner"

2. The expression "owner" means and includes any person, firm or corporation the owner or lessee of a boiler and the manager or other head officer in charge of the business of any such firm or corporation;

"Engineer"

3. The expression "engineer" means any person having charge of or operating a steam boiler and the steam engine connected therewith under the provisions of this Ordinance;

"Person"

4. The expression "person" means any male over eighteen years of age;

"Commissioner"

5. The expression "commissioner" means the Commissioner of Public Works of the Territories;

"Inspector"

6. The expression "inspector" means an inspector of steam boilers appointed under the provisions of this Ordinance;

"Inspection certificate"

7. The expression "inspection certificate" means the annual certificate of the inspection of any boiler issued by an inspector;

"Certificate"

8. The expression "certificate" means the provisional or final certificate of qualification issued to any engineer under the provisions of this Ordinance. C.O., c. 17, s. 2,

INSPECTIONS.

3. The Lieutenant Governor in Council may appoint an ^{Appointment of inspectors} inspector or inspectors of steam boilers for the Territories for the purpose of carrying out the provisions of this Ordinance and may fix the remuneration to be paid such inspector or inspectors. C.O., c. 17, s. 3.

4. No person holding the office of inspector under the ^{Inspectors to have no interest in sale of boilers or steam machinery} provisions of this Ordinance shall be either directly or indirectly interested in the sale of boilers or steam machinery.

5. Every inspector appointed under the provisions of this ^{Oath of office to be taken} Ordinance shall before entering upon the performance of his duties take and subscribe an oath that he will faithfully and impartially perform the duties of his office. C.O., c. 17, s. 4.

6. For the purpose of seeing that the provisions of this ^{Inspectors may enter premises} Ordinance are complied with any of the inspectors appointed under this Ordinance may at any reasonable hour enter upon any lands or into any building where any steam boiler is operated. C.O., c. 17, s. 8 (1).

7. Any person interfering with or obstructing any inspector ^{Obstructing inspector} in the performance of his duties under this Ordinance shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$50. C.O., c. 17, s. 8 (2).

8. Every inspector shall keep a true record of all boilers ^{Record to be kept} inspected and all repairs ordered by him, of all boilers condemned by him as unsafe, of all accidents to boilers in his district whether by explosion or otherwise and of all casualties in connection with boilers in his district. C.O., c. 17, s. 18.

9. Every inspector shall render annually on or before the ^{Annual report} thirty-first day of January in each year a concise report to the commissioner of all inspections made by him during the preceding year and of all accidents and casualties that may have happened connected with the operation of steam boilers within his district. C.O., c. 17, s. 19.

10. Any inspector may by notice in writing signed by him ^{Inspector may examine on oath} require the attendance before him at a time and place to be named in such notice of any person; and may examine the person so notified to be present on oath regarding any matter connected with the inspection or operation of any boiler or any accident thereto.

(2) Any person wilfully neglecting or refusing in any way to comply with the notice of the inspector or to be examined as aforesaid shall be guilty of an offence and liable on summary conviction thereof to a fine of \$25 and on nonpayment of such fine forthwith after conviction to imprisonment for one month.

INSPECTION OF BOILERS.

Boilers to be
inspected
annually

11. Every boiler in the Territories shall be inspected at least once in each calendar year by an inspector at such time as the inspector may see fit.

(2) If the owner of any boiler proves to the satisfaction of the inspector that his boiler has not been operated since the date of the previous inspection and is in as good condition as when inspected the inspector may issue a new inspection certificate without inspecting the boiler and may remit the fee for inspection hereinafter provided for. C.O., c. 17, s. 9 (1).

Inspection
certificate to
issue

12. Upon completion of his inspection the inspector shall issue to the owner of the boiler an inspection certificate; and the owner shall pay the inspector a fee of \$5 for such inspection and the issue of such certificate.

(2) Any owner neglecting or refusing to pay the inspector such fee shall be guilty of a breach of this Ordinance.

(3) The inspection fee may be remitted in the case of small boilers operated by private individuals to operate cream separators. C.O., c. 17, s. 9 (2).

Production
thereof

13. The inspection certificate shall be exposed in a conspicuous place in the boiler or engine room of every stationary boiler and shall be produced at any time by the owner or operator of any portable boiler upon demand of the inspector.

(2) Any owner refusing or neglecting to post up or produce the inspection certificate shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$25. C.O., c. 17, s. 9 (3).

Operating
without
inspection
certificate

14. Any owner who operates a boiler without being in possession of an inspection certificate shall be guilty of an offence and liable upon summary conviction thereof to a penalty of not less than \$25 and not more than \$100.

Certain
boilers
exempted
from
operation of
this Ordinance

15. The provisions of this Ordinance respecting the inspection of boilers shall not apply to any boiler insured and inspected by any duly incorporated boiler insurance company doing business in Canada if the owner or owners of such boiler shall when required by an inspector appointed under the provisions of this Ordinance produce the certificate of inspection for the current year from such company. C.O., c. 17, s. 7.

Unsafe boiler
not to be used

16. Any boiler declared to be unsafe by an inspector shall not be used until such repairs as are ordered by the inspector have been made and the certificate required hereunder duly issued; and any person operating a boiler declared to be unsafe by an inspector before the repairs ordered by the inspector are completed and the certificate issued shall be guilty of an offence and upon summary conviction thereof liable to a penalty of \$50. C.O., c. 17, s. 13.

17. Inspectors shall have the right at all reasonable hours to examine boilers in course of construction or undergoing repair and to refuse to grant a certificate of inspection for any boiler found to be improperly constructed or repaired or of which permission to make such inspection has been refused. C.O., c. 17, s. 17.

18. The owner or operator of any steam boiler shall allow the inspector free access to the same; and shall furnish water and fill the boiler to permit of the hydrostatic test being made and when necessary shall remove any jacket or covering from the boiler as directed by the inspector; he shall also assist the inspector in making his inspection and shall point out any defect that he may know of or believe to exist in the boiler or the machinery connected therewith. C.O., c. 17, s. 16.

(2) Should any owner refuse or neglect to furnish the necessary water and fill the boiler for inspection the inspector may have such work done at the expense of the owner.

19. Every steam boiler shall be provided with a reliable steam gauge of approved make.

(2) Such steam gauge shall be tested by the inspector and set to agree with his standard gauge. C.O., c. 17, s. 15.

20. Every steam boiler shall be provided with a fusible plug of good banca tin inserted in the flues or other portion of the boiler exposed to heat from the furnace when the water therein falls below the limit allowed by this Ordinance. C.O., c. 17, s. 14.

21. Every boiler shall be provided with a lock pop safety valve of approved make which shall be set by the inspector at the time of his inspection and properly locked and sealed.

(2) Any person removing, destroying or in any way interfering with the lock or sealing device on any lock pop safety valve after it has been locked and sealed by an inspector shall be guilty of an offence and liable upon summary conviction thereof to a penalty of \$50.

22. Every owner of a boiler shall at once report to the nearest inspector any accident or casualty which may happen in connection with the operation of his boiler; and any owner who neglects to so notify the inspector shall be guilty of an offence and liable upon summary conviction thereof to a fine not exceeding \$10.

23. In inspecting boilers as herein provided the inspectors shall—

(a) Satisfy themselves by a thorough examination inside and out that the boilers are properly constructed and of good and suitable material;

- (b) Subject the boilers to such hydrostatic pressure and hammer tests as may be necessary to determine the safe working pressure at which they may be operated;
- (c) See that openings for the passage of water and steam respectively and all pipes and tubes exposed to heat are of proper dimensions and free from obstruction;
- (d) See that the flues are circular in form;
- (e) Satisfy themselves that the friction (fire line) of the furnace is at least two inches below the prescribed minimum water line of the boiler;
- (f) See that the arrangements for delivering the feed water are such that the boilers cannot be injured thereby;
- (g) Satisfy themselves that such boilers and their steam connections may be safely employed without peril to life;
- (h) See that the boilers are provided with lock pop safety valves of proper size and properly placed;
- (i) See that the pop safety valve is properly adjusted so as to permit of no greater steam pressure in the boiler than the pressure allowed by the inspection certificate and that the valve is properly locked and sealed;
- (j) See that the boiler is provided with a steam gauge of approved make and test and set such gauge so as to agree with standard gauge;
- (k) See that the boiler is provided with a sufficient number of gauge cocks and a properly inserted fusible plug so placed as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limits;
- (l) Satisfy themselves that adequate and certain provision has been made for an ample supply of water to feed the boiler at all times so that in high pressure boilers the water shall not be less than four inches above crown of flue sheet in upright boilers;
- (m) Satisfy themselves that means for blowing out are provided so that mud and sediment may be removed while the boiler is under steam;
- (n) See that the boilers are provided with the necessary number of "man holes" of proper size to permit of the inside of boilers being examined and properly cleaned;
- (o) See that the setting of stationary boilers is properly constructed so as to prevent accident due to failure of walls or any other parts of such setting. C.O., c. 17, s. 6.

square inch as the maximum pressure allowable as a working pressure for new boilers of forty-two inches in diameter made in the best manner of plates one-fourth of an inch thick of good materials and double riveted. C.O., c. 17, s. 10.

25. Inspectors shall rate the working pressure of all boilers according to their strength as compared with the standard provided in the preceding section; but the working pressure allowed in the operation of any boiler shall not exceed three-fourths of the hydrostatic test pressure to which such boiler has been subjected at the time of the inspection. C.O., c. 17, s. 11.

26. In addition to the annual inspection of all boilers required by this Ordinance it shall be the duty of each inspector to examine and inspect at any time any boilers which may be reported to him to be in an unsafe condition and to notify in writing the owner or person using such boiler to make such repairs as he may deem necessary in order to render such boiler serviceable and safe for use. C.O., c. 17, s. 12.

ENGINEERS.

27. Anyone not holding a final or provisional certificate of qualification as an engineer or a permit under this Ordinance who at any time operates any steam boiler or is in charge of any steam boiler while in operation whether as owner or as engineer shall be liable on summary conviction to a penalty of not less than \$5 and not more than \$50. C.O., c. 17, s. 20.

28. Any person who holds a certificate of qualification as an engineer from any incorporated body authorised to grant such certificates of qualification for operating steam boilers and engines or from the Dominion or any Provincial government or from any competent authority in any other portion of the British Empire or the United States shall be entitled upon making application to the commissioner accompanied by such evidence of his qualification as may be required by the commissioner and upon payment of a fee of \$3 to obtain a certificate of qualification as an engineer in the class determined by the commissioner and to be registered under the provisions of this Ordinance. C.O., c. 17, s. 21 (1).

29. Any person who prior to the first day of October, 1901, has been during two years engaged in the operation of any steam boiler or boilers upon producing a certificate of his uniform good conduct and sobriety from the owner or owners by whom he has been employed (if he be not himself the owner) and also from some responsible person not connected with the business of such owner or owners and a resident in the district in which such boiler or boilers have been so operated may upon making application to the commissioner

and upon payment of \$3 receive a provisional certificate of qualification for a period not exceeding one year. C.O., c. 17, s. 21 (2).

Certificates to
holders of
provisional
certificates

30. The holder of a provisional certificate of qualification may at any time after the issue of such certificate upon the recommendation of an inspector be granted a final certificate of qualification as an engineer and be registered under the provisions of this Ordinance. C.O., c. 17, s. 21 (3).

Examination
of holders of
provisional
certificates

31. Before issuing a recommendation for the registration of and issue of a final certificate to the holder of any provisional certificate as provided in the preceding section the inspector shall thoroughly examine the holder of such provisional certificate as to his knowledge of the construction, care, and operation of stationary steam boilers and engines and shall satisfy himself of the competency of the holder of such provisional certificate. C.O., c. 17, s. 21 (4).

Examination
for certificate

32. The examination of the holders of the provisional certificates of qualification provided for by section 29 of this Ordinance or of any person desiring to qualify as an engineer as hereinafter provided and the issue of certificates to such candidates as may pass such examination shall be conducted in accordance with such regulations as may from time to time be prescribed by the commissioner; and the commissioner shall prescribe the fees to be paid for such examinations or the issue of certificates to those who pass such examinations. C.O., c. 17, s. 24, in part.

Appeal from
inspector

33. Any candidate who considers he has been unfairly dealt with by any inspector may appeal in writing to the commissioner setting forth his grievance; and the commissioner shall at once cause such charge to be investigated and shall give a decision in the matter which shall be final. C.O., c. 17, s. 22.

Certificate to
be posted

34. Every person holding a certificate under this Ordinance shall expose it in some conspicuous place in the engine or boiler room in which he is employed or cause it to be attached to the engine or boiler of which he is in charge; and in default shall be liable upon summary conviction to a penalty of not less than \$5 and not more than \$20.

(2) If such person be employed in charge of a portable engine and boiler he shall produce his certificate for inspection on being required so to do by any inspector.

Absence or
nonproduc-
tion of
certificate

(3) The absence of such certificate or its nonproduction on demand shall be *prima facie* evidence that the person operating the engine and boiler has no certificate. C.O., c. 17, s. 23.

Year's service
requisite

35. Any person other than those mentioned in sections 28 and 29 of this Ordinance who may desire to qualify for registration and to obtain a certificate entitling him to operate

steam boilers and engines connected therewith in the Territories shall serve twelve months as assistant to the holder of a final certificate issued in accordance with the provisions of this Ordinance; and at the expiration of such term shall pass an examination before one of the inspectors appointed under this Ordinance to prove that he has the necessary knowledge of the construction, care and operation of stationary steam boilers and engines connected therewith.

(2) Before being entitled to such examination the said assistant shall file with the inspector satisfactory evidence as to the length and nature of such service. C.O., c. 17, s. 24 in part.

36. In case any owner of a steam boiler shows to the satisfaction of an inspector that he is unable by reason of some unforeseen occurrence to immediately secure the services of a duly qualified person to operate such boiler the inspector may grant a permit to any person producing satisfactory evidence of good conduct and sobriety to operate such boiler for a period of thirty days from the date of such permit and in such case no penalty shall be incurred by reason of the holder of such permit operating such steam boiler during the period covered thereby.

(2) A fee of \$3 shall be paid to the inspector for every such permit issued by him. C.O., c. 17, s. 25.

37. Any one who employs a person to operate a steam boiler who has not a certificate or permit under this Ordinance shall be guilty of a breach of the provisions of this Ordinance. C.O., c. 17, s. 9 (4).

38. The commissioner may upon due cause being shown cancel any certificate issued under the provisions of this Ordinance. C.O., c. 17, s. 21 (4).

39. The commissioner may from time to time make such regulations and prescribe such forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance. C.O., c. 17, s. 26.

40. The fees payable under this Ordinance shall be paid into the general revenue fund. C.O., c. 17, s. 27.

41. Any person guilty of a breach of any of the provisions of this Ordinance for which no provision is herein made shall on summary conviction thereof be liable to a penalty not exceeding \$50. C.O., c. 17, s. 28.

42. Chapter 17 of *The Consolidated Ordinances 1898* is hereby repealed.

1901
CHAPTER 8.

An Ordinance to regulate Public Aid to Hospitals.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

Short title 1. This Ordinance may be cited as "*The Hospitals Ordinance.*" C.O., c. 20, s. 1.

INTERPRETATION.

Interpretation 2. In this Ordinance unless the context otherwise requires—

“Commissioner” 1. The expression “commissioner” means the Commissioner of Agriculture;

“Department” 2. The expression “department” means the Department of Agriculture;

“Patient” 3. The expression “patient” means every person admitted to a hospital for actual treatment and stay upon the order of a duly qualified medical practitioner.

Aid to hospitals 3. Such hospitals in the Territories as the Lieutenant Governor in Council may designate upon complying with the provisions of this Ordinance and of all regulations made thereunder shall receive public aid at the rate of twenty-five cents per day for each day’s actual treatment and stay of every patient in such hospital during the calendar year next preceding the year for which such aid is given. C.O., c. 20, ss. 3, 4.

Advances on account from time to time 4. The Territorial Treasurer may advance and pay by such periodical payments as the Lieutenant Governor in Council may from time to time fix and determine all sums which any hospital may be entitled to receive under this Ordinance out of any moneys in his hands applicable to general purposes or specially appropriated for the purpose by the Legislative Assembly.

Lieutenant Governor in Council may prescribe regulations 5. The Lieutenant Governor in Council may prescribe regulations respecting the management, maintenance and accommodation of all hospitals receiving public aid under this Ordinance.

RETURNS.

6. The commissioner may from time to time fix and direct the particulars to be contained in and the form, manner and time of making returns ; and shall fix and direct the form and manner of oath, affirmation or declaration required for the verification of any such return and the person or persons by whom such oath shall be made. C.O., c. 20, s. 6.

INSPECTION OF HOSPITALS.

7. The commissioner may appoint one or more inspectors to inspect and report upon every such hospital ; and for such purpose such inspector or inspectors shall make all proper inquiries as to the maintenance, management and affairs thereof and by examination of the registers and by such other means as may be deemed necessary satisfy himself or themselves as to the correctness of any returns made under this Ordinance.

(2) If any inspector should report that any patient was not a fit subject for hospital treatment for all or part of the time during which he was kept in the hospital the commissioner may refuse to make any payment in respect of such patient for the time during which he is so reported as not being a fit subject for hospital treatment. C.O., c. 20, s. 7.

FALSE RETURNS.

8. Any person who knowingly and wilfully makes or is a party to or procures to be made directly or indirectly any false return under this Ordinance shall thereby incur a penalty of \$100 which penalty may be recovered with costs by civil action or proceeding at the suit of the Attorney General in any form allowed by law in the supreme court of the Territories. C.O., c. 20, s. 8.

9. *The Hospitals Ordinance* being chapter 20 of *The Consolidated Ordinances 1898* is hereby repealed.

10. This Ordinance shall come into force on the first day of July, A.D. 1901.

1901

CHAPTER 9.

An Ordinance respecting Hail Insurance.

[Assented to June 12, 1901.]

WHEREAS great loss is frequently occasioned throughout the Territories through damage done to growing crops by hail:

And Whereas it is desirable and expedient that provision should be made whereby protection may be afforded against such loss;

Therefore the Lieutenant Governor by and with the advice of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The Hail Insurance Ordinance.*"

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires—

“Crop” 1. The expression “crop” or “growing crop” means all the wheat or all the oats or all the barley or all the flax or all or any of them specially referred to and growing on the area defined in the application for insurance;

“Minister” 2. The expression “minister” means the member of the Executive Council for the time being administering this Ordinance.

3. Unless and until the Lieutenant Governor in Council otherwise orders this Ordinance shall be administered by the Territorial Treasurer.

4. Subject to the provisions of this Ordinance and on behalf of the Government of the Territories the minister may and he is hereby empowered to enter into a contract to indemnify against actual loss or injury to growing crops by hail to an amount of \$4 for each and every acre insured.

5. Every application for insurance shall be in form A in the schedule hereto; and each such application with the receipt of the minister therefor shall for all the purposes of this Ordinance be deemed the contract of insurance.

(2) The provisions of this Ordinance shall be deemed to be and shall form a part of every contract of insurance.

6. Each application shall contain the name of the post office Post office address to be given to which all notices under this Ordinance shall be mailed.

7. With every application for insurance the applicant shall pay to the minister the sum of ten cents for every acre to be covered by insurance :

Provided that where the applicant for insurance has only a Fee to be paid on application partial interest in the crop to be insured the rate to be paid per acre shall be that proportion of ten cents that the interest of such applicant is in the crop and the insurance to be effected shall be only an insurance of such interest.

(2) No application for insurance shall be accepted from any person who has not fully paid up all amounts due by him under this Ordinance.

APPRAISEMENT OF LOSS OR DAMAGE BY HAIL.

8. Whenever any crop insured under this Ordinance is Notice of loss to be given injured by hail the person whose interest in such crop is insured shall forthwith notify the minister by registered letter and shall also notify such person as may have been designated by the minister for that purpose.

(2) Such notification shall be deemed to be sufficient if made by the insured person or by any one else on his behalf.

9. The minister may cause an examination to be made from Examination time to time of any area reported to have been affected by of area affected hail.

10. The minister shall appraise the actual loss or damage Appraisement of loss done by hail to any crop insured under this Ordinance.

(2) In case of loss or injury by hail where it is found that through error or mistake the number of acres of crop insured on any river lot or quarter section forms only a part of the total acreage under crop on the river lot or quarter section in which the person insured has any interest, the minister may pay that percentage of the amount of the indemnity payable on account of such loss or injury that the area insured is of the said total area under crop.

(3) For the purpose of adjustment under this Ordinance no account shall be taken of the value of the crop and in the event of partial loss the amount of compensation to be paid shall bear the same proportion to the total amount of insurance that the loss bears to the total amount of crop.

11. If any person is not satisfied with the appraisement of Submission to arbitration the minister he may have the question of the amount of the loss or damage actually done to his crop by hail submitted to the arbitration of two persons one to be appointed by himself and

one by the minister by notifying the minister of his dissatisfaction with such appraisement; and such notification shall be a submission under *The Arbitration Ordinance* and the provisions of the last mentioned Ordinance shall apply thereto.

PAYMENT OF EXPENSES AND LOSSES.

Statement of minister

12. On the first day of October or as soon thereafter as may be practicable the minister shall submit a statement to the Lieutenant Governor in Council setting forth:

- (a) The expenditure made in the administration of this Ordinance;
- (b) An estimate of the probable amount of liabilities and expenses to be incurred to complete the work of the year;
- (c) The amounts of the several claims as adjusted or otherwise settled;
- (d) The number of persons insured;
- (e) The number of acres covered by insurance;
- (f) The amount paid by applicants for insurance;
- (g) The additional amount (if any) and rate per acre required to cover the liabilities and expenses incurred or to be incurred in completing the work of the year;

together with such further statement as may seem necessary to be made.

Deficiency to be paid out of general revenue

13. Where no legislative provision has been made for so doing or where any provision made proves insufficient for the purpose all liabilities incurred under the authority of this Ordinance may be paid out of the general revenue fund by warrant of the Lieutenant Governor directed to the Territorial Treasurer.

Assessment to be made

14. Should it appear from the aforesaid statement that the amount of the payments made to the minister by applicants for insurance under this Ordinance is not sufficient to cover all expenditures made or to be made the Lieutenant Governor in Council may order the minister to make such assessment (which shall be at a rate per insured acre but not exceeding ten cents per acre) upon each person insured to be paid on or before such date as shall be determined by the Lieutenant Governor in Council as shall appear to be sufficient to produce the amount requisite for that purpose.

Notice of assessment

15. Should the Lieutenant Governor in Council direct an assessment to be made as provided in the next preceding section the minister shall thereupon mail in registered cover to each person insured a copy of the statement submitted by him to the Lieutenant Governor in Council and shall therewith make demand for the payment on or before the date named in the Order in Council in that behalf of the amount of the assessment so directed to be made.

16. In case the amount of any assessment demanded as Distress for aforesaid is not paid at the time fixed for such payment to be made the minister may cause the same to be levied with costs by distress of the goods and chattels of the insured making default wherever the same may be found or of any goods and chattels found upon the premises described in the said insured's application or in the possession of any other occupant of such premises and the costs under such distress shall be as provided by chapter 34 of *The Consolidated Ordinances 1898*.

(2) Before selling any goods and chattels so distrained the minister shall cause notice of the sale to be posted up in at least three conspicuous places in the vicinity of the said premises and to be advertised once in a newspaper published near the said premises at least six days prior to such sale; and at the time and place mentioned in the said notice the person appointed by the minister shall proceed to sell by public auction the said goods and chattels or so much thereof as may be necessary to pay the amount of such assessment with costs.

17. Any notice if delivered by post shall be deemed to have been delivered at the time when the letter containing such notice would be delivered in the ordinary course of post; and if necessary to prove such delivery it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

18. Chapter 20 of the Ordinances of 1900 intituled *An Repeal Ordinance respecting Hail Insurance* is hereby repealed.

19. After the coming into force of this Ordinance no company, association or society shall carry on the business of insurance against loss or injury to growing crops by hail.

20. This Ordinance shall come into force and take effect on, from and after the first day of January, 1902.

FORM A.

No...

GOVERNMENT OF THE NORTH-WEST TERRITORIES.

Treasury Department.

Application for Insurance against loss or injury by Hail under *The Hail Insurance Ordinance 1901*.

Name of applicant.....
Post office address..... District of

Description of area upon which crop is insured.

Section....Township...	Wheat	Oats	Barley	Flax	Total
Range.. West.. Meridian	No. of Acres	No. of Acres	No. of Acres	No. of Acres	
North-east qr. of section
North-west " "
South-east " "
South-west " "
River lots.....
..... in }
..... settlement }
Total.....

Tenure of holding (*whether as owner, or under homestead entry, contract to purchase, lease or otherwise*).....
 Interest of applicant in crops to be insured.....
 To whom indemnity is payable should loss occur.....

In accordance with the provisions of *The Hail Insurance Ordinance 1901* in that behalf I hereby make application for insurance against loss or injury caused by hail and enclose herewith the sum of..... dollars and..... cents being at the rate of..... cents for each of the..... acres described above. I agree to all of the conditions prescribed by the said Ordinance; and I further agree that should any statement made or to be made by me in connection with this my application for insurance and any contract which may thereupon be entered into prove to be a misstatement such misstatement shall nullify such contract and I shall forfeit all claims under the said Ordinance.

I declare that the crop of wheat, oats, barley and flax or any of them set out and described in this application is all the crop of each of them respectively growing upon each quarter section or river lot mentioned in the application in which I have any interest whatsoever.

Dated..... 190..
 in the presence of.....

.....
 of
 Post Office.

.....
 Applicant.

1901

CHAPTER 10.

An Ordinance to amend Chapter 21 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the Administration of Civil Justice."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 10 of *The Judicature Ordinance* is hereby amended by adding at the end of clause 12 thereof the following words : "and it is hereby declared that the provisions of *The Canada Evidence Act 1893* as now or hereafter from time to time amended apply to all proceedings or matters over which the Legislative Assembly of the Territories now has or hereafter shall have jurisdiction." Clause 12, section 10 amended

2. Rule 18 of the Rules of Court of the said Ordinance is hereby amended by adding thereto the following clause : Rule 18 amended

9. The action is for any other matter and it appears to the satisfaction of the judge that the plaintiff has good cause of action against the defendant upon a contract or judgment and that the defendant has assets in the Territories of the value of \$200 at least which may be rendered liable for the satisfaction of the judgment in case the plaintiff should recover judgment in the action ; but in such case if the defendant does not appear the court or a judge shall give directions from time to time as to the manner and conditions of proceeding in the action and shall require the plaintiff before obtaining judgment to prove his claim before a judge or jury or in such manner as may seem proper.

3. Rule 99 of the said Rules of Court is hereby amended by adding thereto the following words : Rule 99 amended

Provided that no final judgment of nullity of marriage shall be entered (whether or not there is default of appearance or defence) until the court or judge is satisfied by evidence of the truth and sufficiency of the facts on which the claim for such judgment is founded.

4. Rule 225 of the said Rules of Court is hereby repealed New rule 225 and the following substituted therefor :

225. The costs of every interlocutory *viva voce* examination and cross examination shall be borne by the party who examines unless otherwise ordered by the court or a judge.

Rule 388
amended

5. Rule 388 of the said Rules of Court is hereby amended by striking out all of the words of subrule (2) thereof after the word "upon" where it occurs therein and substituting therefor the words "the Territorial Treasurer or Assistant Territorial Treasurer in their respective offices."

Rule 427
amended

6. Rule 427 of the said Rules of Court is hereby amended by striking out clause 4 thereof.

Rule 429
amended

7. Rule 429 of the said Rules of Court is hereby amended by adding thereto the following subrule:

(2) The defendant or his agent (except in case of distress for rent or damage feasant) shall have the right to retain possession of the property described in the writ or any portion thereof if he shall give approved security to the sheriff in the form F (1) in the schedule hereto with such variations as circumstances may require; such security shall be assigned on request to the plaintiff by the sheriff indorsing his name thereon; and such indorsement shall be sufficient to enable such plaintiff to bring action thereon in his own name against the several parties who have executed such security.

Rule 430
amended

8. Rule 430 of the said Rules of Court is hereby amended by adding the following clause thereto:

3. If the property is retained by the defendant under subrule (2) of Rule 429, the names, places of residence and occupation of the parties and the date of the bond taken from the defendant and the names of the witnesses thereto.

New rule 456a

9. Order XXXVIII is hereby amended by adding thereto the following rule:

456a. In all proceedings before the court or judge to recover the amount due under a mortgage whether such proceedings be by way of action or by originating summons for the foreclosure or sale of the mortgaged property or in any other way if the moneys secured by the mortgage are payable both as to principal and interest by monthly instalments for an indefinite period dependent for its duration upon computations resulting from the investment of either the whole or a portion of such monthly instalments by the mortgagee the mortgagee shall if ordered by the court or judge so to do before being entitled to a judgment or to a final order for sale or foreclosure of the mortgaged premises produce to the court or judge all the original books and accounts, papers and documents in connection with the loan and show therefrom how the amount claimed to be due on such mortgage is made up.

Mortgagee
may be
required to
produce booksNew rules
523 (a) and
523 (b)

10. The following new rules are added after Rule 523 of the said Rules of Court:

523a. Where costs are to be paid or borne by another party no costs are to be allowed which do not appear to the clerk to have been necessary or proper for the attainment of justice or defending the rights of the party.

523b. Between party and party the clerk shall not allow the cost of proceedings;

Costs of unnecessary proceedings not to be taxed

- (a) Unnecessarily taken;
- (b) Not calculated to advance the interests of the party on whose behalf the same were taken;
- (c) Incurred through over caution, negligence or mistake;

unless he is of opinion that such proceedings were taken by the advocate because in his judgment reasonably exercised they were conducive to the interests of his client.

(2) Between solicitor and client the clerk may allow the costs of proceedings taken as mentioned in the above clauses (a) and (c) of this Rule where he is of the opinion that such proceedings were taken by the advocate because in his judgment reasonably exercised they were conducive to the interests of his client and may allow the costs of proceedings taken as mentioned in clause (b) where the same were taken by the desire of the client after being informed by his advocate that the same were unnecessary and not calculated to advance the interests of the client.

11. Form A in the schedule to the said Rules of Court is Form A hereby amended by striking out the word "commanded" amended where it occurs therein and substituting therefor the word "notified."

12. Form C in the schedule to the said Rules of Court is Form C hereby amended by striking out the word "ten" amended when it occurs therein and substituting therefor the word "twenty."

13. Form F (1) is hereby added after Form F in the New form F (1) schedule to the said Rules of Court as follows:

FORM F (1).

BOND TO RETAIN POSSESSION OF PROPERTY.

Know all men by these presents that we, *C.D. (defendant)* of *E.F. of* and *G.H. of*, are jointly and severally held and firmly bound to the sheriff of the judicial district in the sum of dollars of lawful money to be paid to the said sheriff, his successor in office, or either of their assigns, for which payment well and truly to be made we bind ourselves, and each and every of us in the whole, our and every of our heirs, executors and administrators, firmly by these presents.

Sealed with our seals, dated this day of one thousand nine hundred and

Whereas the said *C.D.* claims to retain certain cattle (or

goods) to wit : , to recover possession of which *A.B.* has obtained a writ of replevin.

Now the condition of this obligation is such that if the court shall adjudge that the said cattle (or goods) shall be restored to the said *A.B.*, with or without damages for detaining the same, then if the said *C.D.* shall restore the said cattle (or goods) and pay and satisfy any judgment that may be recovered against him this obligation shall be void, but otherwise shall remain in force.

Signed, sealed and delivered
in the presence of }

C.D. [L.S.]
E.F. [L.S.]
G.H. [L.S.]

(Where the defendant himself does not join in the bond the form must be altered to conform to the fact.)

Small debt tariff amended **14.** The small debt tariff in the schedule to the said Rules of Court is hereby amended :

1. By striking out the words "one way" where they first occur under the heading "Sheriff's Fees" in the said tariff, and
2. By adding at the end under the said heading "Sheriff's Fees" the following words :

"Receiving, entering and returning every writ of execution 25 cents."

1901

CHAPTER 11.

An Ordinance for expediting the decision of Constitutional and other Legal Questions.

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The Lieutenant Governor in Council may refer to the supreme court of the Territories for hearing or consideration any matter which he thinks fit to refer and the court shall thereupon hear or consider the same.
2. The court is to certify to the Lieutenant Governor in Council its opinion on the question referred with the reasons therefor which are to be given in like manner as in the case of a judgment in an ordinary action; and any judge who differs from the opinion of the majority may in like manner certify his opinion with his reasons therefor to the Lieutenant Governor in Council.
3. In case the matter relates to the constitutional validity of any Ordinance which has heretofore been or shall hereafter be passed by the Legislative Assembly or of some provision in any such Ordinance the Attorney General of Canada shall be notified of the hearing in order that he may be heard if he sees fit.
4. The court shall have power to direct that any person interested or where there is a class of persons interested one or more persons as representatives of such class shall be notified of the hearing and such persons shall be entitled to be heard.
5. Where any interest affected is not represented by counsel the court may in its discretion request counsel to argue the case in such interest and reasonable expenses thereof shall be paid out of the general revenue fund.
6. The opinion of the court shall be deemed a judgment of the court and an appeal shall lie therefrom as in the case of a judgment in an action.

1901

CHAPTER 12.

An Ordinance respecting the Confirmation of Sales of Land for Taxes.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

On application
parties
interested to
have notice

1. No application for an order for confirmation of a sale of land for taxes made under the provisions of any Ordinance of the Territories shall be heard by a judge until all persons appearing by the records of the proper land titles office to have any interest in the said land have received notice of such application unless such notice is dispensed with by the judge

(2) Such notice shall be given by summons of the judge obtained *ex parte* to be served in such manner as the judge may direct and returnable in one month or such longer time as the judge may direct after service thereof.

Right to
redeem

2. Any person interested in such land may at any time before the time for hearing such application redeem the said land by paying to the purchaser or his assignee the amount of the purchase money paid and any further sums charged against the said land and lawfully paid together with twenty per cent. thereon and such costs as the judge may allow.

After
redemption
purchaser's
interest to
cease

3. From the time of payment to the purchaser or his assignee of the amounts mentioned in the next preceding section all right and interest of the purchaser in the said land shall cease and determine.

Transfer
prima facie
evidence

4. Subject to the foregoing provisions on any application for an order for such confirmation the production of a transfer of the said land executed by the proper officer shall be *prima facie* evidence that all conditions have existed and all acts been performed and all requirements of the Ordinances in that behalf been complied with necessary to entitle the applicant to the order of confirmation applied for.

When transfer
conclusive
evidence

(2) If such application be not made until after the expiration of one year from the date of the transfer such transfer shall be conclusive evidence that all conditions have existed and all acts been performed and all requirements of the Ordinances in that behalf been complied with necessary

to entitle the applicant to the order of confirmation applied for except on one of the following grounds:

1. Fraud or collusion;
 2. That all taxes have been paid;
 3. That the land was not liable to assessment.
- 5.** Chapter 10 of the Ordinances of 1900 is hereby repealed. Repeal

1901

CHAPTER 13.

An Ordinance respecting the Devolution of Estates.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Widow
entitled to
estate if no
children

1. The property of any man hereafter dying intestate and leaving a widow but no issue shall belong to such widow absolutely and exclusively provided that prior to his death such widow had not left him and lived in adultery after leaving him.

(2) This section shall apply to the property of any person who died before the date of the coming into force of this Ordinance in case no portion of the estate of such person has been distributed.

Mother
entitled if no
wife, child or
father

2. The mother of any person hereafter dying intestate without a wife, child or father shall be entitled to the whole of the property of such intestate.

Illegitimate
children to take

3. In the distribution of personal property of any woman hereafter dying intestate her illegitimate children shall be entitled to the same rights as if they were legitimate.

Mother of
illegitimate
child to take

4. When an illegitimate child hereafter dies intestate without issue the mother of such child shall be entitled to any personal property which the said child was the owner of at the time of his death.

1901

CHAPTER 14.

An Ordinance to further amend Chapter 22 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Clerks and Deputy Clerks."

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Section 23 of The Consolidated Ordinance respecting Clerks and Deputy Clerks is hereby amended by adding the following subsection thereto : Section 23

(7) Notwithstanding anything in this section contained the Remuneration of clerk by Lieutenant Governor in Council may order that all fees salary received by any clerk shall be paid to the Territorial Treasurer by such clerk within the first five days of the month following the month in which such fees are received; and as compensation in lieu of fees such clerk and his deputy in office (if there be one) shall be paid such annual salary as the Lieutenant Governor in Council determines; and such payment to the Territorial Treasurer shall be accompanied by a statement in such form as the Attorney General may prescribe verified under oath showing the amount of the fees received.

1901

CHAPTER 15.

An Ordinance respecting Official Auditors.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Appointment 1. For the complete examination of the accounts of boards of school trustees, official trustees, village overseers, local improvement district overseers, boards of trustees of irrigation districts and such other accounts as the Lieutenant Governor in Council or any member of the Executive Council is empowered by any Ordinance to inquire into the Lieutenant Governor in Council may appoint one or more official auditors.

Duties 2. It shall be the duty of every official auditor to examine, check, audit and report upon all accounts which he is appointed to examine in the manner prescribed from time to time by the Lieutenant Governor in Council.

Fees 3. Unless it is otherwise provided by Ordinance the Lieutenant Governor in Council shall fix the fees payable to official auditors for any services performed by them.

1901

CHAPTER 16.

An Ordinance to amend Chapter 27 of The Consolidated Ordinances 1898, intituled "An Ordinance Exempting Certain Property from Seizure and Sale under Execution."

[Assented to May 22, 1901].

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 6 of *The Exemptions Ordinance* is hereby amended Section 6
amended by adding thereto the following words:

"Nor to an execution issued upon a judgment or order for the payment of alimony." No exemption
in case of
alimony

1901

CHAPTER 17.

An Ordinance to amend Chapter 46 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Marriages."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 3
amended

Civil
marriage,
notice to
commissioner

1. Section 3 of *The Marriage Ordinance* is hereby amended by adding at the beginning thereof the words "Except as hereinafter provided."

2. In the event of any parties objecting to or not being desirous of adopting marriage by a clergyman or minister of any religious denomination then and in that case notice in writing in form C of the schedule hereto must be given by one of the parties to the marriage commissioner where such parties propose to marry at least fourteen clear days immediately preceding the day of the intended marriage and a declaration of nondisqualification in form D of the schedule hereto must be made and signed by each of the parties so proposing to marry; and forthwith upon receipt of such notice and declaration the same shall be entered upon a book to be kept for that purpose by the marriage commissioner in his office which shall be open to the inspection of the public.

Commissioner's
certificate

3. Upon the due compliance of the parties with the provisions of the last preceding section the marriage commissioner shall if required give a certificate of such compliance in form E of the schedule hereto.

Marriage by
commissioner

4. After the expiration of the said period of fourteen days marriage may be contracted in the office of and solemnised by the said marriage commissioner according to the form and in the manner hereinafter mentioned but not otherwise—

- (a) Provided that the marriage shall be contracted with open doors in the presence of two or more credible witnesses besides the marriage commissioner;
- (b) Provided further that in the presence of such marriage commissioner and witnesses each of the parties shall declare: "I do solemnly declare that I know not of any "lawful impediment why I, A.B., may not be joined in

"matrimony to *C.D.*," and each of the parties shall say to the other: "I call upon these persons here present to witness that I, *A.B.*, do take thee, *C.D.*, to be my lawful wedded wife (*or husband*);"

(c) Provided also that there be no lawful impediment to the lawful marriage of such parties. .

5. Noting in this Ordinance shall be construed as in any way preventing the people called Quakers or Doukhoborts from celebrating marriage (where either or both the parties shall be of the people called Quakers or Doukhoborts respectively) according to the rights and ceremonies of their own religion or creed. Quakers or
Doukhoborts

(2) Subject to the following provisions all such Quakers or Doukhoborts desirous of being married according to the rites and ceremonies of their own religion or creed shall not less than eight days before such marriage is solemnised give notice in writing to be signed by one of the parties in form C of the schedule hereto to a marriage commissioner of their intention to have such rite or ceremony performed; and forthwith after the performance of the said rite or ceremony shall make and sign a declaration in form F of the schedule hereto which said declaration shall be signed by both the parties to the marriage so contracted in the presence of two witnesses who shall each severally attest such declaration by their signatures; and such declaration shall within eight days be delivered by one or other of the parties so married to the marriage commissioner to whom the aforesaid notice was given.

(3) The marriage commissioner shall upon receipt of the said declaration forthwith transmit the aforesaid notice of intention and declaration to the registrar of the division for the registration of births, marriages and deaths within which the said marriage was solemnised; and such registrar shall deal with the said notice and declaration in the manner in which it is provided by *The Vital Statistics Ordinance* that such registrar shall deal with the forms containing the original entries of marriages reported to him during the month then current.

6. Every marriage heretofore solemnised between persons not under legal disqualification to contract such marriage shall be deemed a valid marriage so far as respects the civil rights of the North-West Territories of the parties or their issue and in respect of all matters within the jurisdiction of the Legislative Assembly of the North-West Territories notwithstanding that the person who solemnised such marriage was not duly authorised to solemnise marriage and notwithstanding any irregularity or insufficiency in the publication of banns or in the issue of licence or notwithstanding the entire absence of either: Marriages
heretofore
solemnised
valid

Provided that the parties after such solemnisation lived together and cohabited as husband and wife.

7. This Ordinance shall come into force and effect on the first day of September, 1901. Commencement

SCHEDULE.

FORM C.

Notice of Marriage.

To

of

Marriage Commissioner.

I hereby give you notice that a marriage is intended to be had on the day of 190
 between me and the other party described and named herein.

Name	Condition	Rank or profession	Age	Dwelling place

Witness my hand this

day of 190

(Signed) A. B.

FORM D.

Declaration of Nondisqualification.

We severally do solemnly declare that we know of no lawful impediment of kindred or alliance or other lawful hindrance why we may not be joined in matrimony.

of

of

190

FORM E.

Marriage Commissioner's Certificate.

I, , marriage commissioner in the North-West Territories, do hereby certify that on the day of 190 notice was duly entered in the marriage notice book kept by me of the marriage intended between the parties therein named and described, delivered under the hand of one of the parties that is to say—

Name	Condition	Rank or profession	Age	Dwelling place

Date of notice entered, 190
 Date of certificate given 190

Witness my hand at this
 day of 190

Marriage Commissioner.

FORM F.

Declaration of Marriage.

We, the persons hereinafter described, declare that marriage according to the rites and ceremonies of the people called (Quakers or Doukhobortsy, as the case may be) was contracted by us this day of 190 and we each severally further declare that we know of no lawful impediment of kindred or alliance or other lawful hindrance why we A.B., and C.D., may not be joined in matrimony.

BRIDEGROOM.

Name in full.	
Age.	
Place of residence (Nearest Post Office)	
Place of birth.	
Bachelor or widower.	
Profession or occupation.	
Names of parents.	<div style="display: flex; align-items: center;"> Father Mother </div>

BRIDE.

Name in full.	
Age.	
Place of residence before marriage. (Nearest Post Office)	
Place of birth.	
Spinster or widow	
Names of parents.	<div style="display: flex; align-items: center;"> Father Mother </div>
Name of owner or occupant of house in which marriage took place, and nearest Post Office.	
Names and residences of two witnesses.	<div style="display: flex; justify-content: space-between;"> of of </div>

*A.B.
C.D.*

In the presence of us

*E.F.
G.H.*

I certify the foregoing to be true and correct to the best of my knowledge and belief.

Given under my hand at this day
of 190 .

I. J.,
Marriage Commissioner.

1901

CHAPTER 18.

An Ordinance to amend Chapter 51 of the Consolidated Ordinances 1898 intituled "An Ordinance respecting the Legal Profession and the Law Society of the Territories."

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 36
amended

1. Section 36 of *The Legal Profession Ordinance* is hereby amended by adding thereto the following subsections :

Borrowing
powers

(2) The benchers may also pass bylaws from time to time providing for the borrowing of money at a rate of interest not exceeding six per cent. per annum for the purpose of the establishment of or addition to law libraries for the general use of the members at such points in the Territories as they may deem proper; and for the issuing of debentures (with coupons attached for the instalments payable thereunder) for the amount proposed to be borrowed with interest as aforesaid :

Provided that the amounts borrowed under the provisions of this subsection shall at no time exceed in the aggregate the sum of \$15,000 and that the same shall be made repayable in consecutive annual instalments, either in such manner that an equal amount of the principal together with the total interest on the principal or balance of principal remaining due shall be payable in each year of the period during which the debenture is to run or in such manner that the aggregate amount payable for principal and interest in any year shall be equal (as nearly as may be) to what is payable for principal and interest during each of the other years of such period;

And provided that the period during which the debenture is to run shall not exceed twenty years from the date of the debenture.

(3) No bylaw passed under the provisions of the next preceding subsection shall be valid unless and until it shall have been assented to in writing by a majority of the visitors of the society for the time being; and such assent shall be conclusive evidence that all the formalities necessary to the passing of such bylaw have been complied with; and that the loan proposed to be made under the authority thereof is one which the society may lawfully make.

(4) Every debenture issued under the foregoing provisions shall constitute a specific charge upon all the law libraries owned by the society at the time of the issue thereof or thereafter acquired and upon the gross annual income of the society received from members of the society for annual certificates.

(5) Such debentures shall be under the common seal of the society and shall be signed by the president or vice president and the treasurer of the society.

(6) No purchaser of any such debentures shall be bound to inquire as to the application of the money borrowed thereon.

(7) Any municipality may invest by the purchase of any of such debentures any part of the moneys held by it to the credit of a sinking fund account which it can lawfully invest by the purchase of Dominion Government securities, school or municipal debentures; and any trustee, executor or administrator may invest by the purchase of any such debentures any part of the moneys in his hands which he can otherwise lawfully invest.

1901

CHAPTER 19.

An Ordinance to amend Chapter 60 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Threshers' Liens," as amended by Chapter 11 of the Ordinances of 1899.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 1
amended

1. Section 1 of Chapter 60 of *The Consolidated Ordinances 1898* as amended by section 1 of Chapter 11 of the Ordinances of 1899 is hereby amended by striking out the word "thirty" where it occurs therein and substituting in lieu thereof the word "sixty."

1901

CHAPTER 20.

An Ordinance respecting Companies.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

PRELIMINARY.

1. This Ordinance may be cited for all purposes as "*The Short title Companies' Ordinance.*"

2. This Ordinance shall be administered by the Territorial Secretary who shall be *ex officio* Registrar of Joint Stock Companies. Secretary
ex officio
Registrar

3. In the construction of this Ordinance and of the Interpretation schedules thereto and of any rules that may be made thereunder if not inconsistent with the context or subject matter:

1. "Company" shall mean a company incorporated under Company this Ordinance;

2. "Court" shall mean the supreme court of the North-West Territories and shall include a judge thereof;

3. "Judge" shall mean a judge of the said court; Judge

4. "Registrar" shall mean Registrar of Joint Stock Companies; and the expression "Registrar" or "Registrar of Joint Stock Companies" shall include the assistant or acting assistant Territorial Secretary and any person appointed by the Territorial Secretary as registrar of joint stock companies and his deputy and any one acting for him;

5. "Prospectus" means any prospectus, notice, circular, advertisement or other invitation offering to the public for subscription or purchase any shares, stock or debentures of a company.

4. No company, association or partnership consisting of more than twenty persons shall hereafter be formed for the purpose of carrying on any business to which the authority of the Legislative Assembly extends that has for its object the acquisition of gain by the company, association or partnership or by the individual members thereof unless it is registered as a company under this Ordinance or is formed in pursuance of some other Ordinance of the Legislative Assembly.

PART I.—CONSTITUTION, INCORPORATION AND REGISTRATION.

Memorandum of Association.

Mode of forming company

5. Any three or more persons associated for any lawful purpose to which the authority of the Legislative Assembly extends may by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Ordinance in respect of registration form an incorporated company with or without limited liability.

Mode of limiting liability

6. The liability of the members of a company formed under this Ordinance may according to the memorandum of association be limited either to the amount (if any) unpaid on the shares respectively held by them or to such amount as the members may respectively undertake by the memorandum of association to contribute to the assets of the company in the event of its being wound up.

Memorandum of association of a company limited by shares

7. Where a company is formed on the principle of having the liability of its members limited to the amount unpaid on their shares (hereinafter referred to as a company limited by shares) the memorandum of association shall contain the following things, that is to say :

- (a) The name of the proposed company with the addition of the word "Limited" as the last word in such name;
- (b) The objects for which the proposed company is to be established;
- (c) The place in the Territories in which the registered office of the company is proposed to be situated;
- (d) The time of the existence of the proposed company if it is intended to secure incorporation for a fixed period;
- (e) A declaration that the liability of the members is limited;
- (f) The amount of capital with which the company proposes to be registered divided into shares of a certain fixed amount;

subject to the following regulations :

- (a) That no subscriber shall take less than one share;
- (b) That each subscriber of the memorandum of association shall write opposite to his name the number of shares he takes;
- (c) That each subscriber of the memorandum of association shall be the *bona fide* holder in his own right of the share or shares for which he has subscribed in the memorandum of association.

Memorandum of association of a company limited by guarantee

8. Where a company is formed on the principle of having the liability of its members limited to such amount as the

members respectively undertake to contribute to the assets of the company in the event of the same being wound up (hereinafter referred to as a company limited by guarantee) the memorandum of association shall contain the following things, that is to say :

- (a) The name of the proposed company with the addition of the words "Limited by Guarantee" as the last words in such name;
- (b) The objects for which the proposed company is to be established;
- (c) The place in the Territories in which the registered office of the company is proposed to be situated;
- (d) A declaration that each member undertakes to contribute to the assets of the company in the event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member and of the costs, charges and expenses of winding up the company and for the adjustment of the rights of the contributories amongst themselves such amount as may be required not exceeding a specified amount.

9. Where a company is formed on the principle of having no limit placed on the liability of its members (hereinafter referred to as an unlimited company) the memorandum of association shall contain the following things, that is to say:

- (a) The name of the proposed company;
- (b) The objects for which the proposed company is to be established;
- (c) The place in the Territories in which the registered office of the company is proposed to be situated.

10. The memorandum of association shall be signed by each subscriber in the presence of and be attested by one witness at the least; and it shall when registered bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto and there were in the memorandum contained on the part of himself, his heirs, executors and administrators a covenant to observe all the conditions of such memorandum subject to the provisions of this Ordinance.

Articles of Association.

11. The memorandum of association may in the case of a company limited by shares and shall in the case of a company limited by guarantee or unlimited be accompanied when registered by articles of association signed by the subscribers to the memorandum of association and prescribing such regulations for the company as the subscribers to the memorandum of

association deem expedient. The articles shall be expressed in separate paragraphs numbered arithmetically; they may adopt all or any of the provisions contained in the table marked A in the first schedule hereto; they shall in the case of a company (whether limited by guarantee or unlimited) that has a capital divided into shares state the amount of capital with which the company proposes to be registered; and in the case of a company (whether limited by guarantee or unlimited) that has not a capital divided into shares state the number of members with which the company proposes to be registered for the purpose of enabling the registrar to determine the fees payable on registration. In a company limited by guarantee or unlimited and having a capital divided into shares, each subscriber shall take one share at the least and shall write opposite to his name in the memorandum of association the number of shares he takes.

*Application
of table*

12. In the case of a company limited by shares if the memorandum is not accompanied by articles of association or in so far as the articles do not exclude or modify the regulations contained in the table marked A in the first schedule hereto the last mentioned regulations shall so far as the same are applicable be deemed to be the regulations of the company in the same manner and to the same extent as if they had been inserted in articles of association and the articles had been duly registered.

*Signature
and effect of
articles of
association*

13. The articles of association shall be signed by each subscriber in the presence of and be attested by one witness at least. When registered they shall bind the company and the members thereof to the same extent as if each member had subscribed his name and affixed his seal thereto and there were in such articles contained a covenant on the part of himself, his heirs, executors and administrators to conform to all the regulations contained in such articles subject to the provisions of this Ordinance; and all moneys payable by any member of the company in pursuance of the conditions and regulations of the company or any of such conditions or regulations shall be deemed to be a debt due from such member to the company in the nature of a specialty debt.

Registration

14. The memorandum of association and articles of association shall be delivered to the registrar who shall retain and register the same.

Fees

15. There shall be paid to the registrar by the company having a capital divided into shares in respect of the several matters mentioned in the table marked B in the first schedule hereto the several fees therein specified or such smaller fees as the Lieutenant Governor in Council may from time to time direct; and by a company not having a capital divided into

shares in respect of the several matters mentioned in the table marked C in the first schedule hereto the several fees therein specified or such smaller fees as the Lieutenant Governor in Council may from time to time direct.

(2) The fees received under this section shall form part of the general revenue fund of the Territories.

16. Upon the registration of the memorandum of association and of the articles of association in cases where articles of association are required by this Ordinance or by the desire of the parties to be registered the registrar shall certify under his hand and seal of office that the company is incorporated and in the case of a limited company that the company is limited and in the case of a mining company the liabilities of the members whereof is specially limited under section 63 hereof that the said company is so specially limited under said section 63; and such certificate shall be published in the official gazette.

(2) The incorporation of the company shall take effect from the date of incorporation mentioned in the certificate of incorporation.

17. The subscribers of the memorandum of association together with such other persons as from time to time become members of the company shall thereupon be a body corporate under the name contained in the memorandum of association capable forthwith of exercising all the functions of an incorporated company and having perpetual succession and a common seal with power to hold lands but with such liability on the part of the members to contribute to the assets of the company in the event of the same being wound up as is hereinafter mentioned.

18. Any certificate of the incorporation of the company given by the registrar under his seal of office shall be conclusive evidence that all the requirements of the Ordinance in respect of registration and of matters precedent and incidental thereto have been complied with.

(2) Any certificate of the incorporation of any company given by the registrar shall be received in evidence as if it were the original certificate; and any copy of or extract from any of the documents kept and registered at the office for the registration of joint stock companies if duly certified to be a true copy or extract under the hand of the registrar and his seal of office shall for all purposes be received in evidence as of equal validity with the original document.

19. A copy of the memorandum of association having annexed thereto the articles of association if any shall be forwarded to every member at his request on payment of the sum of \$1 or such less sum as may be prescribed by the company for each copy; and if any company makes default in

Penalty

forwarding a copy of the memorandum of association and articles of association if any to a member in pursuance of this section the company so making default shall upon summary conviction for each offence be liable to a penalty not exceeding \$5; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

Prohibition against identity of names

20. No company shall be registered under a name identical with that by which a subsisting company is already registered or so nearly resembling the same as in the opinion of the registrar to be calculated to deceive except in a case where such subsisting company is in the course of being dissolved and testifies its consent in such manner as the registrar requires; and if any company through inadvertence or otherwise is without such consent as aforesaid registered by a name identical with that by which a subsisting company is registered or so nearly resembling the same as to be calculated to deceive such first mentioned company shall upon the direction of the registrar change its name.

Change of name

21. Any company with the sanction of a special resolution of the company and with the approval of the registrar may change its name.

Registration of new name

22. Upon the change of name of any company under the provisions of either of the two next preceding sections the registrar shall enter the new name on the register in place of the former name and shall issue a certificate of incorporation altered to meet the circumstances of the case.

Effect of alteration of name

23. No such alteration of name shall affect any rights or obligations of the company or render defective any legal proceedings instituted or to be instituted by or against the company; and any legal proceedings may be continued or commenced against the company by its new name that might have been continued or commenced against the company by its former name.

Power of registrar to strike names of defunct companies off the register

24. Where the registrar has reasonable cause to believe that a company (whether registered before or after the passing of this Ordinance) is not carrying on business or in operation he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation.

(2) If the registrar does not within one month of sending the letter receive an answer thereto he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter and stating that no answer thereto had been received by him and that if an answer is not received to the second letter within one month from the date thereof a notice will be published in the gazette with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation or does not within one month after sending the second letter receive any answer thereto the registrar may publish in the gazette and send to the company a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will unless cause is shown to the contrary be struck off the register and the company dissolved.

(4) At the expiration of the time mentioned in the notice the registrar may unless cause to the contrary is previously shown by such company strike the name of such company off the register and shall publish notice thereof in the gazette; and on the publication in the gazette of such last mentioned notice the company whose name is so struck off shall be dissolved:

Provided that the liability if any of every director, managing officer and member of the company shall continue and may be enforced as if the company had not been dissolved.

(5) If any company or member or creditor thereof feels aggrieved by the name of such company having been struck off the register in pursuance of this section the company or member or creditor may apply to the court; and the court if satisfied that the company was at the time of the striking off carrying on business or in operation and that it is just to do so may order the name of the company to be restored to the register; and thereupon the company shall be deemed to have continued in existence as if the name thereof had never been struck off; and the court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had never been struck off.

(6) A letter or notice authorised or required for the purpose of this section to be sent to a company may be sent by post addressed to the company at its registered office or if no office has been registered addressed to the care of some director or officer of the company or if there be no director or officer of the company whose name and address are known to the registrar the letter or notice in identical form may be sent to each of the persons who subscribed the memorandum of association addressed to him at the address mentioned in the memorandum.

(7) Where a company is being wound up and the registrar has reasonable cause to believe that no liquidator is acting or that the affairs of the company are fully wound up and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the registered address of the company and to the liquidator at

his last known place of business the provisions of this section shall apply in like manner as if the registrar had not within one month after sending the second letter in subsection 2 of this section mentioned received any answer thereto.

PART II.—DISTRIBUTION OF CAPITAL AND LIABILITY OF MEMBERS AND OFFICERS OF COMPANIES.

Distribution of Capital.

Definition of member

25. The subscribers of the memorandum of association of any company under this Ordinance shall be deemed to have agreed to become members of the company whose memorandum they have subscribed; and upon the registration of the company shall be entered as members on the register of members hereinafter mentioned; and every other person who has agreed to become a member of a company under this Ordinance and whose name is entered on the register of members shall be deemed to be a member of the company.

Nature of interest, etc., in company

26. The shares or other interest of any member in a company under this Ordinance shall be personal estate capable of being transferred in manner provided by the regulations of the company and shall not be of the nature of real estate; and each share shall in the case of a company having a capital divided into shares be distinguished by its appropriate number.

Register of members

27. Every company under this Ordinance shall cause to be kept in one or more books a register of its members; and there shall be entered therein the following particulars :

- (a) The names and addresses and the occupations if any of the members of the company; with the addition in the case of a company having a capital divided into shares of a statement of the shares held by each member distinguishing each share by its number; and the amount paid or agreed to be considered as paid on the shares of each member;
- (b) The date at which the name of any person was entered in the register as a member;
- (c) The date at which any person ceased to be a member.

Penalty

(2) Any company acting in contravention of this section shall upon summary conviction be liable to a penalty not exceeding \$25 for every day during which its default in complying with the provisions of this section continues; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such contravention shall upon summary conviction be liable to the like penalty.

Transfer by personal representative

28. Any transfer of the share or other interest of a deceased member of a company under this Ordinance made by his personal representative shall notwithstanding such personal

representative may not himself be a member be of the same validity as if he had been a member at the time of the execution of the instrument of transfer.

(2) The personal representative of a deceased member shall represent the shares or stock of such deceased member at all meetings of the company and may vote as a shareholder in respect thereof.

29. A company shall on the application of the transferor of any shares or interest in the company enter in its register of members the name of the transferee of such share or interest in the same manner and subject to the same conditions as if the application for such entry were made by the transferee.

30. Any transfer of shares in a company under this Ordinance made for the purpose of avoiding or escaping the further liability of a shareholder as such for a nominal or no consideration or to a person in the menial or domestic service of the transferor shall be deemed to be a fraudulent transfer and need not be recognised by the company or by the court on the winding up of the company.

31. Every company having a capital divided into shares shall make once at least in every year a list in the form E in the second schedule of all persons who on the fourteenth day succeeding the day on which the ordinary general meeting or if there is more than one ordinary meeting in each year the first of such ordinary general meetings is held are members of the company ; and such list shall state the names and so far as may be possible the addresses and occupations of all the members therein mentioned and the number of shares held by each of them and shall contain a summary specifying the following particulars :

1. The amount of capital of the company and the number of shares into which it is divided ;
2. The number of shares taken from the commencement of the company up to the date of the summary ;
3. The amount of calls made on each share;
4. The total amount of calls received ;
5. The total amount of calls unpaid ;
6. The total amount of shares forfeited ;
7. The names, addresses and occupations of the persons who have ceased to be members since the last list was made and the number of shares formerly held by each of them ;
8. The total amount of debt due from the company in respect of all mortgages and charges ; and
9. The names and addresses of the persons who are the directors of the company at the date of the summary.

(2) The above list and summary shall be contained in a separate part of the register and shall be completed within

seven days after such fourteenth day as is mentioned in this section and shall be signed by the manager or secretary of the company and a copy shall forthwith be forwarded to the registrar.

Penalty

(3) Any company making default in complying with the provisions of this section with respect to forwarding such list of members or summary as is hereinbefore mentioned to the registrar shall upon summary conviction be liable to a penalty not exceeding \$25 for every day during which such default continues; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

Company to give notice of consolidation, etc., of shares

32. Every company under this Ordinance having a capital divided into shares that has consolidated and divided its capital into shares of larger amount than its existing shares or converted any portion of its capital into stock shall forthwith give notice to the registrar of such consolidation, division or conversion specifying the shares so consolidated, divided or converted and in default shall be subject to the penalty in the last section mentioned.

Effect of conversion into stock

33. Where any company having a capital divided into shares has converted any portion of its capital into stock and given notice of such conversion to the registrar all the provisions of this Ordinance which are applicable to shares only shall cease as to so much of the capital as is converted into stock; and the register of the members hereby required to be kept by the company and the list of members to be forwarded to the registrar shall show the amount of stock held by each member in the list instead of the amount of shares and the particulars relating to shares hereinbefore required.

No trust to be entered on register

34. No notice of any trust (expressed, implied or constructive) shall be entered on the register or be receivable by the registrar in the case of companies under this Ordinance.

Company not bound to see to trusts, etc.

35. The company shall not be bound to see to the execution of any trust (whether expressed, implied or constructive) in respect of any share; and the receipt of the shareholder in whose name the same stands on the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share whether or not notice of the trust has been given to the company; and the company shall not be bound to see to the application of the money paid upon such receipt.

Evidence of title to shares, etc.

36. A certificate under the common seal of the company specifying any share or shares or stock held by any member of a company shall be *prima facie* evidence of the title of the member to the share or shares or stock therein specified.

37. The register of members commencing from the date of ^{Inspection of} ~~register~~ the registration of the company shall be kept at the registered office of the company hereinafter mentioned. Except when closed as hereinafter mentioned it shall during business hours subject to such reasonable restrictions as the company in general meeting may impose but so that no less than two hours in each day be appointed for inspection be open to the inspection of any member *gratis* and to the inspection of any other person on the payment of twenty-five cents or such less sum as the company may prescribe for each inspection; and every such member or other person may require a copy of such register or of any part thereof or of such list or summary of members as is hereinbefore mentioned on payment of twenty-five cents for every hundred words required to be copied.

(2) If such inspection or copy is refused the company shall for each refusal upon summary conviction be liable to a penalty not exceeding \$10 and a further penalty not exceeding \$10 for every day during which such refusal continues; and every director, manager, secretary and officer of the company who shall knowingly authorise or permit such refusal shall upon summary conviction be liable to the like penalty; and in addition to the above penalty any judge of the supreme court sitting in chambers may upon summary order compel an immediate inspection of the register.

38. Any company under this Ordinance may upon giving ^{Closing of} notice by advertisement in some newspaper circulating in the ~~register~~ district in which the registered office of the company is situated close the register for members for any time or times not exceeding in the whole thirty days in each year.

39. Where a company has a capital divided into shares ^{Notice to} ~~registrar of~~ ^{increase of} stock ^{capital or} notice of any increase in such capital beyond the registered capital and where a company has not a capital divided into shares notice of any increase in the number of members beyond the registered number shall be given to the registrar in the case of an increase of capital within fifteen days from the date of the passing of the resolution by which such increase has been authorised and in the case of an increase of members within fifteen days from the time at which such increase of members has been resolved on or has taken place; and the registrar shall forthwith record the amount of such increase of capital or members;

(2) If such notice is not given within the period aforesaid the company in default shall upon summary conviction be liable to a penalty not exceeding \$25 for every day during which such neglect to give notice continues; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

Remedy for
improper
entry or
omission in
the register

40. If the name of any person is without sufficient cause entered in or omitted from the register of members of any company under this Ordinance or if default is made or unnecessary delay takes place in entering in the register the fact of any person having ceased to be a member of the company the person or member aggrieved or any member of the company or the company itself may by motion in the supreme court or by application to a judge thereof sitting in chambers apply for an order that the register may be rectified ; and the court or judge may either refuse such application with or without costs to be paid by the applicant or may if satisfied of the justice of the case make an order for the rectification of the register ; and may direct the company to pay all costs of such motion or application and any damages the party aggrieved may have sustained.

(2) The court or judge may in any proceeding under this section decide on any question relating to the title of any person who is a party to such proceeding to have his name entered in or omitted from the register, whether such question arises between two or more members or alleged members or between any members or alleged members and the company; and generally the court or judge may in any such proceeding decide any question that it may be necessary or expedient to decide for the rectification of the register :

Provided that the court or judge may direct an issue to be tried in which any question of law may be raised and an appeal shall lie.

Notice to
registrar of
rectification
of register

41. Whenever any order has been made rectifying the register in the case of a company hereby required to send a list of its members to the registrar the court shall by its order direct that due notice of such rectification be given to the registrar.

Register to be
evidence

42. The register of members shall be *prima facie* evidence of any matters by this Ordinance directed or authorised to be inserted therein.

Liability of Members.

What liability
share deemed
to carry

43. Every share in any company shall be deemed and taken to have been issued and to be held subject to the payment of the whole amount thereof in cash unless the same shall have been otherwise determined by a contract duly made in writing and filed with the registrar at or before the issue of such share.

Shareholder's
liability on
unpaid portion

44. Except as hereinafter otherwise provided each shareholder until the whole amount of his shares, stock or other interest has been paid up shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon but shall not be liable to an action therefor by any creditor before an execution against the company has been returned unsatisfied in whole or in part ; and the amount due

on such execution but not beyond the amount so unpaid of his said shares, stock or other interest shall be the amount so recoverable with costs against such shareholder.

(2) Any shareholder may plead by way of defence in whole or in part any set off which he could set up against the company except a claim for unpaid dividends or a salary or allowance as a president or a director of the company.

(3) The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever related to or connected with the company beyond the unpaid amount of their respective shares in the capital stock thereof.

45. No person holding shares, stock or other interest in the company as executor, administrator, guardian or trustee shall be personally subject to liability as a shareholder; but the estate and funds in the hands of such person shall be liable in like manner and to the same extent as the testator or intestate or the minor, ward or other person interested in the trust fund would be if living and competent to act and holding such shares, stock or other interest in his own name. Trustees, etc.

46. No person holding shares, stock or other interest as collateral security shall be personally subject to liability as a shareholder; but the person pledging such shares, stock or other interest as such collateral security shall be considered as holding the same and shall be liable as a shareholder in respect thereof. Nonpersonal liability of mortgagee or pledgee of shares

47. In the event of a company formed under this Ordinance or under any other Ordinance of the Territories being wound up every present and past member of such company shall be liable to contribute to the assets of the company to an amount sufficient for payment of the debts and liabilities of the company and the costs, charges and expenses of the winding up and for payment of such sums as may be required for the adjustment of the rights of the contributories amongst themselves with the qualifications following that is to say: Liability, etc., of shareholders in case of winding up

- (a) No past member shall be liable to contribute to the assets of the company if he has ceased to be a member for a period of one year or upwards prior to the commencement of the winding up;
- (b) No past member shall be liable to contribute in respect of any debt or liability of the company contracted after the time at which he ceased to be a member;
- (c) No past member shall be liable to contribute to the assets of the company unless it appears to the court that the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Ordinance;

- (d) In the case of a company limited by shares no contribution shall be required from any member exceeding the amount if any unpaid on the shares in respect of which he is liable as a present or past member;
- (e) In the case of a company limited by guarantee no contribution shall be required from any member exceeding the amount of the undertaking entered into on his behalf by the memorandum of association;
- (f) Nothing in this Ordinance contained shall invalidate any provision contained in any contract whereby the liability of individual members upon any such contract is restricted or whereby the funds of the company are alone made liable in respect of such contract;
- (g) No sum due to any member of a company in his character of a member by way of dividends, profits or otherwise shall be deemed to be a debt of the company payable to such member in a case of competition between himself and any other creditor not being a member of the company; but any such sum may be taken into account for the purposes of the final adjustment of the rights of the contributories among themselves.

Liability of Directors.

Company may have directors with unlimited liabilities

48. Where a company is formed as a limited company the liability of the directors or managers of such company or the managing director may if so provided by the memorandum of association or by resolution as hereinafter provided be unlimited.

Liability of directors past and present where liability is unlimited

49. The following are the contributions to be required in the event of the winding up of a limited company from any director or manager whose liability is in pursuance of this Ordinance unlimited :

- (a) Subject to the provisions hereinafter contained any such director or manager whether past or present shall in addition to his liability, if any, to contribute as an ordinary member be liable to contribute as if he were at the date of his commencement of the winding up a member of an unlimited company;
- (b) No contribution required from any past director or manager who has ceased to hold such office for a period of one year or upwards prior to the commencement of the winding up shall exceed the amount if any which he is liable to contribute as an ordinary member of the company ;
- (c) No contribution required from any past director or manager in respect of any debt or liability of the

company contracted after the time at which he ceased to hold such office shall exceed the amount if any which he is liable to contribute as an ordinary member of the company ;

- (d) Subject to the provisions contained in the regulations of the company no contribution required from any director or manager shall exceed the amount if any which he is liable to contribute as an ordinary member unless the court deems it necessary to require such contribution in order to satisfy the debts and liabilities of the company and the costs, charges and expenses of the winding up.

50. In the event of the winding up of any limited company Director with unlimited liability may have set-off any moneys due to him from the company other than dividends or profits.

51. In any limited company in which in pursuance of this Notice to be given to Ordinance the liability of a director or manager is unlimited director on his election that the directors or managers of the company if any and the his liability member who proposes any person for election or appointment unlimited to such office shall add to such proposal a statement that the liability of the person holding such office will be unlimited ; and the promoters, directors, manager and secretary if any of such company or one of them shall before such person accepts such office or acts therein give him notice in writing that his liability will be unlimited.

(2) If any director, manager or proposer make default in adding such statement or if any promoter, director, manager or secretary make default in giving such notice he shall be liable to a penalty not exceeding \$500 and he shall also be liable for any damage which the person so elected or appointed may sustain from such default but the liability of the person elected or appointed shall not be affected by such default.

52. The directors of the company shall not declare or pay Dividends not to be issued in any dividend when the company is insolvent or any dividend insolvency of the payment of which renders the company insolvent or company diminishes the capital thereof; but if any director present when such dividend is declared forthwith or if any director then absent within twenty-four hours after he has become aware thereof and able so to do enters on the minutes of the board of directors his protest against the same and within eight days thereafter causes such protest to be published in at least one newspaper published at or as near as may be possible to the head office or chief place of business of the company such director may thereby and not otherwise exonerate himself from liability.

53. No loan shall be made by the company to any share- Prohibits holder ; and if such loan is made all directors and other officers loan to shareholders

of the company making the same and in anywise assenting thereto shall be jointly and severally liable to the company for the amount thereof and also to the third parties to the extent of such loan with legal interest for all debts of the company contracted from the time of the making of the loan to that of the repayment thereof; but this section shall not apply to a building society.

**Liability of
directors for
wages**

54. The directors of a company shall be jointly and severally liable to the clerks, labourers, servants and apprentices thereof for all debts not exceeding six months' wages due for services performed for the company whilst they are such directors respectively; but no director shall be liable to an action therefor unless the company is sued therefor within one year after the debt becomes due nor unless such director is sued therefor within one year from the time when he ceased to be such director nor unless an execution against the company is returned unsatisfied in whole or in part; and the amount unsatisfied on such execution shall be the amount recoverable with costs from the directors.

Prospectus.

**Publication of
prospectus**

55. Every prospectus issued by or on behalf of any company or intended company shall state the date on which it was issued; and that date shall be taken for all purposes as the date of publication.

(2) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director of the company or by his duly authorised agent; and shall be filed with the registrar on or before the date of its publication.

(3) The registrar shall not register any prospectus unless it is so dated and signed; and no prospectus shall be issued until so filed for registration; and every prospectus shall state on the face of it that it has been so filed.

(4) If default is made in complying with the requirements of this section every officer and agent of the company who is party to the issue of the prospectus shall upon summary conviction be liable to a fine not exceeding \$25 for every day during which the default continues.

**Contents of
prospectus**

56. Every prospectus of a company must state—

- (a) The contents of the memorandum of association with the names, occupations and addresses of the signatories and the number of shares subscribed by them respectively;
- (b) The number of shares if any fixed by the articles of association as the qualification of a director;
- (c) The names, occupations and addresses of the directors or proposed directors and the number of shares held or agreed to be taken by them respectively and

whether any such share is held or agreed to be taken by any of them otherwise than in his own right as beneficial owner;

- (d) The minimum subscription on which the directors may proceed to commence business and the minimum amount payable on application and allotment on each share;
- (e) The number and amount of shares and debentures issued or agreed to be issued as fully or partly paid up otherwise than in cash; and in the latter case the extent to which they are so paid up; and in either case the consideration for which such shares or debentures have been issued or are proposed or intended to be issued;
- (f) The names and addresses of the vendors of any property purchased or acquired by the company or proposed so to be purchased or acquired which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus or the purchase or acquisition of which has not been completed at the date of publication of the prospectus and where there is more than one vendor or the company is a subpurchaser the amount payable in cash, shares or debentures to each vendor;
- (g) The amount if any payable as purchase money in cash, shares or debentures of any such property as aforesaid specifying the amount payable for good will if any such amount is separately payable;
- (h) The amount if any payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares in the company or the rate of any such commission;
- (i) The amount or estimated amount of preliminary expenses;
- (j) The amount intended to be paid to any promoter and the consideration for which it is to be paid;
- (k) The amount intended to be reserved for working capital;
- (l) The dates, parties and short purport or effect of every material contract and every material fact known to any director or promoter of the company who is a party to the issue of the prospectus and a reasonable time and place at which any material contract or a copy thereof may be inspected:

Provided that this requirement shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company or to any contract entered into more than five years before the date of publication of the prospectus;

- (m) The names and addresses of the auditors if any of the company;
- (n) Full particulars of the nature and extent of the interest if any of every director in the promotion of or in the property proposed to be acquired by the company with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company.

(2) For the purposes of this section every person shall be deemed to be a vendor who has entered into any contract (absolute or conditional) for the sale or purchase of any of the property to be acquired by the company in any case where—

- (a) The purchase money is not fully paid at the date of publication of the prospectus; or
- (b) The purchase money is to be paid or satisfied (wholly or in part) out of the proceeds of the issue offered by subscription by the prospectus; or
- (c) The contract depends for its fulfilment on such issue.

(3) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe for further shares or debentures; but subject as aforesaid this section shall apply to any prospectus whether issued or with reference to the formation of a company or subsequently:

Provided that—

- (a) The requirements as to the memorandum of association; and the qualification, remuneration and interest of directors; the names, descriptions and addresses of directors or proposed directors; and the amount or estimated amount of preliminary expenses; shall not apply in the case of a prospectus published more than one year after the date at which the company is entitled to commence business;

and

- (b) In the case of a prospectus published more than one year after the date at which the company is entitled to commence business the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

(4) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section or purporting to affect him with notice of any contract, document or matter not specifically referred to in the prospectus shall be void.

(5) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement it shall not

be necessary to specify the contents of the memorandum of association or the signatories thereto and the number of shares subscribed to by them.

57. Where a prospectus or notice invites persons to subscribe for shares in or debentures or debenture stock of a company every person who is a director of a company at the time of the issue of the prospectus or notice and every person who having authorised such naming of him is named in the prospectus or notice as a director of the company or as having agreed to become a director of the company either immediately or after an interval of time and every promoter of the company and every person who has authorised the issue of the prospectus or notice shall be liable to pay compensation to all persons who shall subscribe for any shares, debentures or debenture stock on the faith of such prospectus or notice for the loss or damage they may have sustained by reason of any untrue statement in the prospectus or notice or in any report or memorandum appearing on the face thereof or by reference incorporated therein or issued therewith unless it is proved—

- (a) With respect to every such untrue statement not purporting to be made on the authority of an expert or of a public official document or statement that he had reasonable ground to believe and did up to the time of the allotment of the stock, debentures or debenture stock (as the case may be) believe that the statement was true;
- (b) With respect to every such untrue statement purporting to be a statement by or contained in what purports to be a copy of or an extract from a report or valuation by an engineer, valuer, accountant or other expert that it fairly represented the statement made by such engineer, valuer, accountant or other expert or was a correct and fair copy of or extract from the report or valuation:

Provided always that notwithstanding that such untrue statement fairly represented the statement made by such engineer, valuer, accountant or other expert or was a correct and fair copy of an extract from the report or valuation such director, person named, promoter or other person who authorised the issue of the prospectus or notice as aforesaid shall be liable to pay compensation as aforesaid if it be proved that he had no reasonable ground to believe that the person making the statement, report or valuation was competent to make it;

- (c) With respect to every such untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document that it was a correct and fair representation of such statement or copy of or extract from such document or unless it is

proved that having consented to become a director of the company he withdrew his consent before the issue of the prospectus or notice and that the prospectus or notice was issued without his authority or consent or that the prospectus was issued without his knowledge or consent and that on becoming aware of its issue he forthwith gave reasonable public notice that it was so issued without his knowledge or consent or that after the issue of such prospectus or notice and before allotment thereunder he on becoming aware of any untrue statement therein withdrew his consent thereto and caused reasonable public notice of such withdrawal and of the reason therefor to be given.

(2) A promoter in this section means a promoter who was a party to the preparation of the prospectus or notice or of the portion thereof containing such untrue statement but shall not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company.

(3) Where any company existing at the passing of this Ordinance which has issued shares or debentures shall be desirous of obtaining further capital by subscriptions for shares or debentures and for that purpose shall issue a prospectus or notice no director of such company shall be liable in respect of any statement therein unless he shall have authorised the issue of such prospectus or notice or have adopted or ratified the same.

(4) In this section the word "expert" includes any person whose profession gives authority to a statement made by him.

Indemnity
where name
of person has
been
improperly
inserted as a
director

58. Where any such prospectus or notice as aforesaid contains the name of a person as director of the company or as having agreed to become a director thereof and such person has not consented to become a director or has withdrawn his consent before the issue of such prospectus or notice and has not authorised or consented to the issue thereof the directors of the company except any without whose knowledge or consent the prospectus or notice was issued and any other person who authorised the issue of such prospectus or notice shall be liable to indemnify the person named as a director of the company or as having agreed to become a director thereof as aforesaid against all damages, costs, charges and expenses to which he may be made liable by reason of his name having been inserted in the prospectus or notice or in defending himself against any action or legal proceedings brought against him in respect thereof.

Contributions
from
co-directors,
etc.

59. Every person who by reason of his being a director or named as a director or as having agreed to become a director or of his having authorised the issue of the prospectus or notice has become liable to make any payment under the provisions

of this Ordinance shall be entitled to recover contribution as in cases of contract from any other person who if sued separately would have been liable to make the same payment.

60. A person shall not be capable of being appointed director of a company by the articles of association and shall not be named as a director or proposed director of a company in any prospectus issued by or in behalf of the company unless before the registration of the articles or the publication of the prospectus (as the case may be) he has by himself or by his agent authorised in writing—

- (a) Signed and filed with the registrar a consent in writing to act as such director; and
- (b) Either signed the memorandum of association for a number of shares not less than his qualification if any or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares if any.

(2) On the application for registration of the memorandum and articles of association of a company the applicant shall deliver to the registrar a list of the persons who have consented to be directors of the company; and if this list contains the name of any person who has not so consented the applicant shall be liable on summary conviction to a fine not exceeding \$200.

(3) Provided that this section shall not apply to a company which does not issue any invitation to the public to subscribe for its shares or to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

61. Where any advertisement, letter head, postal card, account or document issued, published or circulated by any corporation, association or company or any officer, agent or employee of any such corporation, association or company purports to state the subscribed capital of the company then the capital actually and in good faith subscribed and no more shall be so stated; and any such corporation, association, company, officer, agent or employee who causes to be inserted an advertisement in any newspaper or who publishes, issues or circulates or causes to be published, issued or circulated any advertisement, letter head, post card, account or document which states as the subscribed capital of such company any larger sum than the amount of such subscribed capital so actually and in good faith subscribed as aforesaid or which contains any untrue or false statement as to the incorporation, control, supervision, management or financial standing of such corporation, association or company and which statement is intended or calculated or likely to mislead or deceive any person dealing or having any business or transaction with said corporation, association or company or with any officer, agent or employee of the association, corporation or company shall upon summary conviction

Penalty

be liable to a penalty not exceeding \$200 and costs and in default of payment the offender being an officer, agent or employee as aforesaid shall be imprisoned for a term not exceeding three months and not less than one month ; and on a second or any subsequent conviction he may be imprisoned for a term not exceeding twelve months and not less than three months.

PART III.—POWERS, MANAGEMENT AND ADMINISTRATION.

Preference Shares.

Preference shares

62. The directors of any company incorporated or reincorporated under this Ordinance may with the sanction of a special resolution of the company previously given in general meeting create and issue any part of the capital as preference shares giving the same such preference and priority as respects dividends and otherwise over ordinary shares as may be declared by the special resolution.

(2) The special resolution may provide that the holders of such preference shares shall have the right to select a certain stated proportion of the board of directors or may give them such other control over the affairs of the company as may be considered expedient.

(3) Holders of such preference shares shall be shareholders within the meaning of this Ordinance and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this Ordinance :

Provided however that in respect of dividends and otherwise they shall as against the original or ordinary shareholders be entitled to the preference given by any special resolution as aforesaid.

(4) Nothing in this section shall affect or impair the rights of creditors of any company.

Issue of shares without personal liability by Mining Companies.

Mining companies with specially limited liability on shares

63. The memorandum of association of a company incorporated or reincorporated under this Ordinance the objects whereof are restricted to acquiring, managing, developing, working and selling mines, mineral claims and mining properties and the winning, getting, treating, refining and marketing of mineral therefrom may contain a provision that no liability beyond the amount actually paid upon shares and stocks in such company by the subscribers thereto or holders thereof shall attach to such subscriber or holder ; and the certificate of incorporation issued under section 16 of this Ordinance shall state that the company is specially limited under this section.

Shares to be specially marked

64. Where a certificate of incorporation incorporating any such company or a licence to any foreign company has been

issued containing the provisions mentioned in section 63 of this Ordinance every certificate of shares or stock issued by the company shall bear upon the face thereof distinctly written or printed in red ink after the name of the company the words "Issued under section 63 respecting Mining Companies of *The Companies Ordinance*," and where such shares or stock are issued subject to further assessment the word "Assessable" or if not subject to further assessment the word "Nonassessable" as the case may be.

65. Every mining company the memorandum of association Charter, prospectuses and other documents of such company to be specially marked which contains the said provision shall have written or printed on its charter, prospectuses, stock certificates, bonds, contracts, agreements, notices, advertisements and other official publications and in all bills of exchange, promissory notes, marked endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company and in all bills of parcels, invoices, receipts and letter heads of the company immediately after or under the name of such company and shall have engraved upon its seal the words "Nonpersonal Liability;" and every such company which refuses or knowingly neglects to comply with this section shall incur a penalty of \$20 for every day during which such name is not so kept written or printed, recoverable upon summary conviction; and every director, manager, secretary and officer of the company who knowingly and wilfully authorises or permits such default shall be liable to the like penalty.

66. In the event of any call or calls on assessable shares in a company so incorporated remaining unpaid by the subscriber thereto or holder thereof for a period of sixty days after the notice and demand of payment such shares may be declared to be in default; and the secretary of the company may advertise such shares for sale at public auction to the highest bidder for cash by giving notice of such sale in some newspaper published or circulating in the city or district where the principal office of the company is situated for a period of one month; and such notice shall contain the number of the certificate or certificates of such shares and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid notice shall be personally served upon such subscriber or holder by registered letter mailed to his last known address; and if the subscriber or holder of such shares shall fail to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale the secretary shall proceed to sell the same or such portion thereof as shall suffice to pay such assessment together with interest and cost of advertising:

Provided that if the price of the shares so sold exceeds the amount due with interest and cost thereon the excess shall be paid to the defaulting subscriber or holder.

Liability of
shareholder
on such shares

67. No shareholder or subscriber for shares in any company so incorporated shall be personally liable for nonpayment of any calls made upon his shares beyond the forfeiture and sale in the event of the nonpayment of such calls of the amount if any already paid on the shares held or subscribed for; nor shall such shareholder or subscriber be personally liable for any debt contracted by the company or for any sum payable by the company beyond the amount if any paid by him upon such shares.

Existing
companies

68. Whenever any shares have been heretofore issued by any company duly incorporated under any Ordinance as fully paid up shares either at a discount or in payment for any mine, mineral claim or mining property purchased or acquired by such company or for the acquiring whereof such company has been incorporated all such shares shall except as to any debts contracted by the company before the passing of this Ordinance in regard to which the liability on such shares shall be the same as if this Ordinance had not been passed be deemed and held to be fully paid up and the holder thereof shall be subject to no personal liability thereon in the same manner as if the memorandum of association of the company had contained the provision aforesaid.

Adjustment of Calls and Dividends.

Adjustment
of calls and
dividends

69. Nothing contained in this Ordinance shall be deemed to prevent any company incorporated under this Ordinance if authorised by its regulations as originally framed or as altered by special resolution from doing any one or more of the following things, namely:

1. Making arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid and in the time of payment of such calls;
2. Accepting from any member of the company who assents thereto the whole or a part of the amount remaining unpaid on any share or shares held by him either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made.
3. Paying dividend in proportion to the amount paid up on each share in cases where a larger amount is paid up on some shares than on others.

Subdivision of Shares.

Subdivision
of shares

70. Any company limited by shares may by special resolution so far modify the conditions contained in its memorandum of association if authorised so to do by its regulations as originally framed or as altered by special resolution as by subdivision of its existing shares or any of them to divide its

capital or any part thereof into shares of smaller amount than is fixed by its memorandum of association:

Provided that in the subdivision of existing shares the proportion between the amount that is paid and the amount if any which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

71. The statement of the number and amount of the shares into which the capital of the company is divided contained in every copy of the memorandum of association or any other official document issued after the passing of any special resolution shall be in accordance with such special resolution; and any company which makes default in complying with the provisions of this section shall upon summary conviction be liable to a penalty not exceeding \$5 for each copy in respect of which such default is made; and every director, manager, secretary and officer of the company who knowingly or wilfully authorises or permits any such default shall upon summary conviction be liable to the like penalty.

Share Warrants.

72. In the case of a company limited by shares the company, if authorised to do so by its regulations as originally framed or as altered by special resolution and subject to the provisions of such regulations may with respect to any share which is fully paid up or with respect to stock issue under its common seal a warrant stating that the bearer of the warrant is entitled to the share or shares of stock therein specified; and may provide by coupons or otherwise for the payment of the future dividends on the share or shares or stock included in such warrant hereinafter referred to as a share warrant.

73. A share warrant shall entitle the bearer of such warrant to the shares or stock specified in it; and such shares or stock may be transferred by the delivery of the share warrant.

74. The bearer of a share warrant shall subject to the regulations of the company be entitled on surrendering such warrant for cancellation to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register of members the name of any bearer of a share warrant in respect of the shares or stock specified therein without the share warrant being surrendered and cancelled.

75. The bearer of a share warrant may if the regulations of the company so provide be deemed to be a member of the company within the meaning of this Ordinance either to the full extent or for such purposes as may be prescribed by the regulations:

Provided that the bearer of a share warrant shall not be qualified in respect of the shares or stock specified in such warrant for being a director or manager of the company in cases where such a qualification is prescribed by the regulations of the company.

Entries in
register in
case of share
warrant

76. On the issue of a share warrant in respect of any share or stock the company shall strike out of its register of members the name of the member then entered therein as holding such share or stock as if he had ceased to be a member; and shall enter in the register the following particulars:

- (a) The fact of the issue of the warrant;
- (b) A statement of the shares or stock included in the warrant distinguishing each share by its number;
- (c) The date of the issue of the warrant;

and until the warrant is surrendered the above particulars shall be deemed to be the particulars which are required by the twenty-seventh section of this Ordinance to be entered in the register of members of a company; and on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which a person ceased to be a member.

Particulars of
share warrant
in annual
summary

77. After the issue by the company of a share warrant the annual summary required by the thirty-first section of this Ordinance shall contain the following particulars:

- (a) The total amount of shares or stock for which share warrants are outstanding at the date of the summary;
- (b) The total amount of share warrants which have been issued and surrendered respectively since the last summary was made; and
- (c) The number of shares or amount of stock comprised in each warrant.

Reduction of Capital and Shares.

Power to
reduce
capital

78. Any company limited by shares may by special resolution so far modify the conditions contained in its memorandum of association if authorised to do so by its regulations as originally framed or as altered by special resolution as to reduce its capital; but no such resolution for reducing the capital of any company shall come into operation until an order of the court is registered by the registrar as is herein-after mentioned.

(2) The power to reduce capital conferred by this section shall include paid up capital; and a power to cancel any lost capital or any capital unrepresented by available assets or to pay off any capital which may be in excess of the wants of the company; and paid up capital may be reduced either with or without extinguishing or reducing the liability if any remaining on the shares of the company; and to the extent to which such liability is not extinguished or reduced it shall be deemed to be preserved.

79. Every company shall after the date of the passing of any special resolution for reducing its capital add to its name "and reduced" until such date as the court may fix the words "and reduced" added to name as the last words in its name; and those words shall until such date be deemed to be part of the name of the company.

80. A company which has passed a special resolution for reducing its capital may apply to the court by petition for an order confirming the reduction; and on the hearing of the petition the court if satisfied that with respect to every creditor of the company who under the provisions of this Ordinance is entitled to object to the reduction either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined or has been secured as hereinafter provided may make an order confirming the reduction on such terms and subject to such conditions as may seem fit.

(2) Where the reduction of the capital of a company does not involve either the diminution of any liability in respect of unpaid capital or the payment to any shareholder of any paid up capital:

- (a) The creditors of the company shall not unless the court otherwise direct be entitled to object or required to consent to the reduction; and
- (b) It shall not be necessary before the presentation of the petition for confirming the reduction to add and the court may if it thinks it expedient so to do dispense altogether with the addition of the words "and reduced."

(3) In any case that the court thinks fit so to do it may require the company to publish in such manner as the court may direct the reasons for the reduction of its capital or such other information in regard to the reduction of its capital as the court may think expedient with a view to giving proper information to the public in relation to the reduction of its capital by a company and if the court thinks fit the causes which led to such reduction.

81. Where a company proposes to reduce its capital every creditor of the company who at the date fixed by the court is entitled to any debt or claim which if that date were the commencement of the winding up of the company would be admissible in proof against the company shall be entitled to object to the proposed reduction and to be entered in the list of creditors who are so entitled to object.

(2) The court shall settle a list of such creditors; and for that purpose shall ascertain as far as possible without requiring an application from any creditor the names of such creditors and the nature and amount of their debts or claims; and may publish notices fixing a certain day or days within which creditors of the company who are not entered on the list are to claim to be so entered or to be excluded from the right of objecting to the proposed reduction.

Court may dispense with consent of creditors on security given

82. Where a creditor whose name is entered on the list of creditors and whose debt or claim is not discharged or determined does not consent to the proposed reduction the court may if it thinks fit dispense with such consent on the company securing the payment of the debt or claim of such creditor by setting apart and appropriating in such manner as the court may direct a sum of such amount as is hereinafter mentioned that is to say:

1. If the full amount of the debt or claim of the creditor is admitted by the company or though not admitted is such as the company is willing to set apart and appropriate then the full amount of the debt or claim shall be set apart and appropriated;

2. If the full amount of the debt or claim is not admitted by the company and is not such as the company is willing to set apart and appropriate or if the amount is contingent or not ascertained then the court may if it thinks fit enquire into and adjudicate upon the validity of such debt or claim and the amount for which the company may be liable in respect thereof in the same manner as if the company were being wound up by the court; and the amount fixed by the court on such enquiry and adjudication shall be set apart and appropriated.

Order and minute to be registered

83. The registrar upon the production to him of an order of the court confirming the reduction of the capital of a company and the delivery to him of a copy of the order and of a minute approved by the court showing with respect to the capital of the company as altered by the order the amount of such capital the number of shares into which it is to be divided the amount of each share and the amount if any at the date of the registration of the minute proposed to be deemed to have been paid up on each share shall register the order and minute; and on the registration the special resolution confirmed by the order so registered shall take effect;

(2) Notice of such registration shall be published in such manner as the court may direct;

(3) The registrar shall certify under his hand the registration of the order and minute; and his certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to the reduction of capital have been complied with and that the capital of the company is as stated in the minute

Minute to form part of memorandum of association

84. The minute when registered shall be deemed to be substituted for the corresponding part in the memorandum of association of the company; and shall be of the same validity and subject to the same alterations as if it had been originally contained in the memorandum of association; and subject as in this Ordinance mentioned no member of the company whether past or present shall be liable in respect of any share to any call or contribution exceeding in amount the

difference if any between the amount which has been paid on such share and the amount of the share as fixed by the minute.

85. If any creditor who is entitled in respect of any debt or claim to object to the reduction of the capital of a company under this Ordinance is in consequence of his ignorance of the proceedings taken with a view to such reduction or of their nature and effect with respect to his claim not entered on the list of creditors and after such reduction the company is unable within the space of three weeks after demand made to pay to the creditor the amount of such debt or claim every person who was a member of the company at the date of the registration of the order and minute relating to the reduction of the capital of the company shall be liable to contribute to the payment of such debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day prior to such registration; and on the company being wound up the court on the application of such creditor and on proof that he was ignorant of the proceedings taken with a view to the reduction or of their nature and effect with respect to his claim may if it thinks fit settle a list of such contributories accordingly and make and enforce calls and orders on the contributories settled on such list in the same manner in all respects as if they were ordinary contributories in a winding up; but the provisions of this section shall not affect the rights of the contributories of the company among themselves.

86. A minute when registered shall be embodied in every copy of the memorandum of association issued after its registration; and if any company makes default in complying with the provisions of this section it shall upon summary conviction be liable to a penalty not exceeding \$5 for each copy in respect of which such default is made; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

87. If any director, manager or officer of a company wilfully conceals the name of any creditor of the company who is entitled to object to the proposed reduction or wilfully misrepresents the nature or amount of the debt or claim of any creditor of the company or if any director or manager of the company aids or abets in or is privy to any such concealment or misrepresentation as aforesaid every such director, manager, or officer shall for every such offence upon summary conviction be liable to a penalty not exceeding \$500.

88. Any company limited by shares may so far modify the conditions contained in its memorandum of association if authorised so to do by its regulations as originally framed or as altered by special resolution as to reduce its capital by

cancelling any shares which at the date of the passing of such resolution have not been taken or agreed to be taken by any person; and the provisions of the ten next preceding sections of this Ordinance shall not apply to any reduction of capital made in pursuance of this section.

Alteration of Objects Mentioned in Memorandum of Association

Alteration of
memorandum
of association
or constitution

89. Subject to the provisions of this Ordinance any company registered under this Ordinance may by special resolution alter the provisions of its memorandum of association so far as may be required for any of the purposes hereinafter specified; but in no case shall any such alteration take effect until confirmed on petition by the court.

(2) Before confirming any such alteration the court must be satisfied:

- (a) That sufficient notice has been given to every holder of debentures or debenture stock of the company and any person or class of persons whose interests will in the opinion of the court be affected by the alteration; and
- (b) That with respect to every creditor who in the opinion of the court is entitled to object and who signifies his objection in manner directed by the court either his consent to the alteration has been obtained or his debt or claim has been discharged or determined or has been secured to the satisfaction of the court:

Provided that the court may in the case of any person or class of persons for special purposes dispense with the notice required by this section.

(3) An order confirming any such alteration may be on such terms and subject to such conditions as to the court seems fit; and the court may make such orders as to costs as it deems proper.

(4) The court shall in exercising its discretion under the provisions of this section have regard to the rights and interests of the members of the company or of any class of those members as well as to the rights and interests of the creditors; and may if it thinks fit adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interest of dissentient members; and the court may give such directions and make such orders as it may think expedient for the purpose of facilitating any such arrangement or carrying the same into effect:

Provided always that it shall not be lawful to expend any part of the capital of the company in any such purchase.

Grounds of confirmation

(5) The court may confirm either wholly or in part any such alteration as aforesaid with respect to the objects of the company if it appears that the alteration is required in order to enable the company:

- (a) To carry on its business more economically or more efficiently; or
- (b) To attain its main purpose by new or improved means; or
- (c) To enlarge or change the local area of its operations; or
- (d) To carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or
- (e) To restrict or abandon any of the objects specified in the memorandum of association.

90. Where a company has altered the provisions of its memorandum of association with respect to the objects of the company and such alteration has been confirmed by the court of altered memorandum of association an office copy of the order confirming such alteration together with a copy of the memorandum of association so altered shall be delivered by the company to the registrar within fifteen days from the date of the order; and the registrar shall register the same; and shall certify under his hand the registration thereof; and his certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to such alteration and confirmation thereof have been complied with; and thenceforth but subject to the provisions of this Ordinance the memorandum so altered shall be the memorandum of association of the company.

(2) If the company makes default in delivering to the registrar any document required by this section to be delivered to him the company shall upon summary conviction be liable to a penalty not exceeding \$50 for every day during which it is in default; and every director, manager, secretary and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

Increase of Capital.

91. Any company limited by shares may so far modify the conditions contained in its memorandum of association if authorised to do so by its regulations as originally framed or altered by special resolution in manner hereinafter mentioned as to increase its capital by the issue of new shares of such amount as it thinks expedient or to consolidate and divide its capital into shares of larger amount than its existing shares or to convert its existing shares into stock but save as aforesaid and save as to the location of the registered office of the company and as herein provided no alteration shall be made by the company in the conditions contained in its memorandum of association.

Change of Name.

92. When a company is desirous of changing its name the registrar upon being satisfied that the company is in a solvent condition, that the change is not otherwise objectionable, that

the change has been sanctioned by a special resolution of the company and that the notice hereinafter provided has been duly given may change the name of the company to some other name.

(2) The company shall give at least one month's previous notice in the gazette and in some newspaper published or circulated in the locality in which the operations of the company are carried on of the intention to apply for the change of name and shall state the name proposed to be adopted.

(3) Such change of name shall be conclusively established by the insertion in the gazette of a notice thereof by the registrar.

Effect of such change of name

93. No contract or engagement entered into by or with the company and no liability incurred by it shall be affected by the change of name; and all suits commenced by or against the company prior to the change of name may be proceeded with against or by the company under its former name.

Limited company may by special resolution make liability of directors unlimited

94. Any limited company may by a special resolution if authorised so to do by its regulations as originally framed or as altered by special resolution from time to time modify the conditions contained in its memorandum of association so far as to render unlimited the liability of its directors or managers or of the managing director; and such special resolution shall be of the same validity as if it had been originally contained in the memorandum of association; and a copy thereof shall be embodied in or annexed to every copy of the memorandum of association which is issued after the passing of the resolution; any default in this respect shall be deemed to be a default in complying with the provisions of the one hundred and twenty-fourth section of this Ordinance and shall be punished accordingly.

Contracts.

Contracts how made

95. Contracts on behalf of any company incorporated under this Ordinance may be made as follows, that is to say:

Specialty

(a) Any contract which if made between private persons would be by law required to be in writing and if made according to the law of the Territories or of the Dominion of Canada to be under seal may be made on behalf of the company in writing under the common seal of the company; and such contract may be in the same manner varied or discharged;

(b) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the company in writing signed by any person acting under the express or implied authority of the company; and such contract may in the same manner be varied or discharged;

(c) Any contract which if made between private persons would by law be valid although made by parol only

Simple contracts required by law to be in writing

Contracts by parol

and not reduced into writing may be made by parol on behalf of the company by any person acting under the express or implied authority of the company; and such contract may in the same manner be varied or discharged; and all contracts made according to the provisions herein contained shall be effectual in law; and shall be binding upon the company and their successors and all other parties thereto, their heirs, executors or administrators as the case may be.

96. A promissory note or bill of exchange shall be deemed to have been made, accepted or indorsed on behalf of any company under this Ordinance if made, accepted or indorsed in the name of the company by any person acting under the authority of the company or if made, accepted or indorsed by or on behalf or on account of the company by any person acting under the authority of the company.

97. Subject to the provisions of section 95 every contract, agreement, engagement or bargain made and every bill of exchange drawn, accepted or indorsed and every promissory note and cheque made, drawn or indorsed on behalf of the company by any agent, officer or servant of the company in general accordance with his powers as such under the regulations of the company shall be binding upon the company; and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque or to prove that the same was made, drawn, accepted or indorsed as the case may be in pursuance of any regulations or special resolution or order; nor shall the party so acting as agent, officer or servant of the company be thereby subjected individually to any liability whatsoever to any third party therefor.

Borrowing Powers.

98. All companies under this Ordinance shall have power subject to the conditions of and in addition to all other powers conferred by this Ordinance to borrow money for the purpose of carrying out the objects of their respective incorporations; and to hypothecate, pledge or mortgage their real and personal property; to issue debentures secured by mortgages or otherwise; to sign bills, notes, contracts and other evidences of or securities for money borrowed or to be borrowed by them for the purposes aforesaid; and to pledge debentures as security for temporary loans.

(2) These powers shall not be exercised except with the sanction of a special resolution of the company previously given in general meeting.

Provisions for Protection of Creditors.

99. Every company under this Ordinance shall have a registered office within the Territories to which all communications may be addressed.

(2) If any company under this Ordinance carries on business without having such an office it shall upon summary conviction be liable to a penalty not exceeding \$25 for every day during which business is so carried on.

Notice of
situation of

100. Notice of the situation of such registered office and of any change therein shall be given to the registrar and recorded by him; and until such notice is given the company shall not be deemed to have complied with the provisions of this Ordinance with respect to having a registered office.

Publication
of name by
a limited
company

101. Every limited company under this Ordinance whether limited by shares or by guarantee shall paint or affix and shall keep painted or affixed its name on the outside of every office or place in which the business of the company is carried on in a conspicuous position in letters easily legible; and shall have its name engraven in legible characters on its seal; and shall have its name mentioned in legible characters in all notices, advertisements and other official publications of such company and in all bills of exchange, promissory notes, indorsements, cheques and orders for money or goods purporting to be signed by or on behalf of such company; and in all bills of parcels, invoices, receipts and letters of credit of the company.

Penalties for
nonpublica-
tion of name,
etc.

102. If any limited company under this Ordinance does not paint or affix and keep painted or affixed its name in manner directed by this Ordinance it shall upon summary conviction be liable to a penalty not exceeding \$25 for not so painting or affixing its name and for every day during which such name is not so kept painted or affixed; and every director and manager of the company who shall knowingly and wilfully authorise and permit such default shall upon summary conviction be liable to the like penalty; and if any director, manager or officer of such company or any person on its behalf uses or authorises the use of any seal purporting to be the seal of the company whereon its name is not so engraven as aforesaid or issues or authorises the issue of any notice, advertisement or other official publication of such company or signs or authorises to be signed on behalf of such company any bill of exchange, promissory note, indorsement, cheque or order for money or goods or issues or authorises to be issued any bill of parcels, invoice, receipt or letter of credit of the company whereby its name is not mentioned in manner aforesaid he shall upon summary conviction be liable to a penalty of \$250 and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque or order for money or goods for the amount thereof unless the same is duly paid by the company.

Register of
mortgages

103. Every company under this Ordinance shall keep a register of all mortgages and charges specifically affecting property of the company; and shall enter in such register in respect of each mortgage or charge a short description of the

property mortgaged or charged, the amount of charge created, and the names of the mortgagees or persons entitled to such charge; and if any property of the company is mortgaged without such entry as aforesaid being made every director, manager or officer of the company who knowingly and wilfully authorises or permits the omission of such entry shall upon summary conviction be liable to a penalty not exceeding \$250.

(2) The register of mortgages required by this section shall be open to inspection by any creditor or member of the company at all reasonable times; and if such inspection is refused any officer of the company refusing the same and every director and manager of the company authorising or knowingly and wilfully permitting such refusal shall upon summary conviction be liable to a penalty not exceeding \$25 and a further penalty of \$10 for every day during which such refusal continues; and in addition to the above penalty any judge of the supreme court sitting in chambers may by summary order compel an immediate inspection of the register.

104. Every company under this Ordinance shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers; and shall send to the registrar a copy of such register; and shall from time to time notify the registrar of any change that takes place in such directors or managers.

105. If any company under this Ordinance makes default in keeping a register of its directors or managers or in sending a copy of such register to the registrar in compliance with the foregoing rules or in notifying to the registrar any change that takes place in such directors or managers such delinquent company shall upon summary conviction be liable to a penalty not exceeding \$25 for every day during which such default continues; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

106. If any company under this Ordinance carries on business when the number of its members is less than three for a period of six months after the number has been so reduced every person who is a member of such company during the time that it so carries on business after such period of six months and is cognizant of the fact that it is so carrying on business with fewer than three members shall be severally liable for the payment of the whole of the debts of the company contracted during such time and may be sued for the same without the joinder in the action of suit of any other member.

107. A company shall not commence any business or exercise any borrowing powers unless:

- (a) Shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and
- (b) Every director of the company has paid to the company on each of the shares taken or contracted to be taken by him and for which he is liable to pay in cash a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and
- (c) There has been filed with the registrar a statutory declaration by the secretary or one of the directors in the prescribed form that the aforesaid conditions have been complied with.

(2) The registrar shall on the filing of this statutory declaration certify that the company is entitled to commence business; and that certificate shall be conclusive evidence that the company is so entitled.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only; and shall not be binding on the company until that date; and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures or the receipt of any application.

(5) If any company commences business or exercises borrowing powers in contravention of this section every person who is responsible for the contravention shall without prejudice to any other liability be liable to a fine not exceeding \$200 for every day during which the contravention continues.

(6) This section shall not apply to any company where there is no invitation to the public to subscribe for its shares.

Restrictions as
to allotment

108. No allotment shall be made of any share capital of a company offered to the public for subscription unless the following conditions have been complied with, namely:

- (a) The amount if any fixed by the memorandum or articles of association and named in the prospectus as a minimum subscription upon which the directors may proceed to allotment; or
- (b) If no amount is so fixed and named, then the whole amount of the share capital so offered for subscription has been subscribed and the sum payable on application for the amount so fixed and named or for the whole amount offered for subscription has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash and is in this Ordinance referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per centum of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus all money received from applicants for shares shall be forthwith repaid to the applicants without interest; and if any such money is not repaid within forty-eight days after the issue of the prospectus the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eight days:

Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding an applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section except subsection (3) thereof shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

109. An allotment made by a company to an applicant in contravention of the foregoing provisions of this Ordinance shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later; and shall be voidable notwithstanding that the company is in course of being wound up.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the foregoing provisions of this Ordinance with respect to allotments he shall be liable to compensate the company and the allottee respectively for any loss, damage or costs which the company or the allottee may have sustained or incurred thereby:

Provided that proceedings to recover such loss, damage or costs shall not be commenced after the expiration of two years from the date of the allotment.

110. Whenever a company limited by shares makes any allotment of its shares the company shall within one month thereafter file with the registrar

(a) A return of the allotments stating the number and nominal amount of the shares comprised in the allotment; the names, addresses and descriptions of the allottees; and the amounts if any paid or due and payable on each share; and

(b) In the case of shares allotted in whole or in part for a consideration other than cash a contract in writing constituting the title of the allottee to such allotment together with any contract of sale or for services or other consideration in respect of which such allotment

was made; and a return stating the number and nominal amount of shares so allotted, and the extent to which they are to be treated as paid up and the consideration for which they have been allotted.

(2) If default is made in complying with the requirements of this section every director, manager, secretary or other officer of the company who is knowingly a party to the default shall be liable to a fine not exceeding \$250 for every day during which default continues.

Commissions,
discounts, etc.

111. Upon any offer of shares to the public for subscription it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any shares in the company or procuring or agreeing to procure subscriptions whether absolute or conditional for any shares in the company if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are respectively authorised by the articles of association and disclosed in the prospectus and the commission paid or agreed to be paid does not exceed the amount or rate so authorised.

(2) Save as aforesaid no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount or allowance to any person on consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for any shares in the company or procuring or agreeing to procure subscriptions whether absolute or conditional for any shares in the company whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company or the money to be paid out of the nominal purchase money or contract price or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay.

Notices, etc.

Corporate
name and
proof of
memorandum,
etc., in
actions and
proceedings

112. In any action or proceeding it shall not be necessary to set forth the mode of incorporation of the company otherwise than by mention of it under its corporate name as incorporated or reincorporated under this Ordinance; and the memorandum and articles of association of the company or any exemplification or copy thereof certified under the hand and seal of the registrar or any copy of the gazette containing such memorandum and articles of association shall be conclusive proof of every matter and thing therein set forth.

Certified copy
of resolution
prima facie
evidence

113. A copy of any resolution of a company under its seal and purporting to be signed by any officer of the company shall be *prima facie* evidence of such resolution.

114. Any summons, notice, order or other process or document requiring to be served upon the company may in addition to any other method of service from time to time provided by any Ordinance or rule of court in that behalf be served by leaving the same at the registered office of the company with any adult person in the employ of the company or by leaving it with the president or secretary of the company or by leaving the same at the domicile of either of them or with any adult person of his family or in his employ or by sending it in a prepaid letter addressed to the company at its registered office or if the company has no registered office or has no known president or secretary the court may order such publication as it deems requisite to be made in the premises and such publication shall be held to be due service upon the company.

115. Any document to be served by post on the company shall be posted in such time as to admit of its being delivered in the due course of delivery within the period if any prescribed for the service thereof; and in proving service of such document it shall be sufficient to prove that such document was properly directed and that it was put as a prepaid letter into the post office.

116. Any summons, notice, order or proceeding requiring authentication by the company may be signed by any director, secretary or other authorised officer of the company and need not be under the common seal of the company; and the same may be in writing or in print or partly in writing and partly in print.

Statutory Meeting.

117. Every company limited by shares shall within a period of six months from the date at which the company is entitled to commence business hold a general meeting of the members of the company which shall be called the statutory meeting;

(2) The directors shall at least seven days before the day on which the meeting is held forward to every member of the company a report certified by not less than two directors of the company or where there are less than two directors by the sole director and manager stating:

- (a) The total number of shares allotted distinguishing shares allotted as fully or partly paid up otherwise than in cash; and stating in the case of shares partly paid up the extent to which they are so paid up; and in either case the consideration for which they have been allotted;
- (b) The total amount of cash received by the company in respect of such shares distinguished as aforesaid;
- (c) An abstract of the receipts and payments of the company on capital account to the date of the report;

and an account or estimate of the preliminary expenses of the company;

- (d) The names, addresses and descriptions of the directors, auditors if any, manager if any and secretary of the company; and
- (e) The particulars of any contract the modification of which is to be submitted to the meeting for its approval; together with the particulars of the modification or proposed modification.

(3) The report shall so far as it relates to the shares allotted by the company and to the cash received in respect to such shares and to the receipts and payment of the company on capital account be certified as correct by the auditors if any of the company.

(4) The directors shall cause a copy of the report certified as by this section required to be filed with the registrar forthwith after the sending thereof to the members of the company.

(5) The directors shall cause a list showing the names, descriptions, and addresses of the members of the company and the number of shares held by them respectively to be produced at the commencement of the meeting and to remain open and accessible to any member of the company during the continuance of the meeting.

(6) The members of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company or arising out of the report whether previous notice has been given or not; but no resolution of which notice has not been given in accordance with the articles of association may be passed.

(7) The meeting may adjourn from time to time; and at any such adjourned meeting any resolution of which notice has been given in accordance with the articles of association either before or subsequently to the former meeting may be passed; and the adjourned meeting shall have the same powers as an original meeting.

(8) If default is made in filing such report as aforesaid or in holding the statutory meeting then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the court for the winding up of the company; and upon the hearing of the petition the court may either direct that the company be wound up or give directions for the report being filed or a meeting being held or make such other order as may be just; and may order that the costs of the petition be paid by any persons who in the opinion of the court are responsible for the default.

General meetings

118. A general meeting of every company under this Ordinance shall be held once at least in every year.

(2) Notwithstanding anything in the regulations of a company the directors shall on the requisition of the holders

of not less than one-tenth of the issued capital of the company upon which all calls and other sums then due have been paid forthwith proceed to convene an extraordinary meeting of the company.

(3) The requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the office of the company; and may consist of several documents in like form each signed by one or more requisitionists.

(4) If the directors of the company do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited the requisitionists or a majority of them in value may themselves convene the meeting; but any meeting so convened shall not be held after three months from the date of such deposit.

(5) If at any such meeting a resolution requiring confirmation at another meeting is passed the directors shall forthwith convene a further extraordinary general meeting for the purpose of considering the resolution and if thought fit of confirming it as a special resolution; and if the directors do not convene the meeting within seven days from the date of the passing of the first resolution the requisitionists or a majority of them in value may themselves convene the meeting.

(6) Any meeting convened under this section by the requisitionists shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by directors.

119. Subject to the provisions of this Ordinance and to the conditions contained in the memorandum of association any company formed under this Ordinance may in general meeting from time to time by passing a special resolution in manner hereinafter mentioned alter all or any of the regulations of the company contained in the articles of association or in the table marked A in the first schedule where such table is applicable to the company or make new regulations to the exclusion of or in addition to all or any of the regulations of the company; and any regulations so made by special resolution shall be deemed to be regulations of the company of the same validity as if they had been originally contained in the articles of association; and shall be subject in like manner to be altered or modified by any subsequent special resolution.

120. A resolution passed by a company under this Ordinance shall be deemed to be special whenever a resolution has been passed by a majority of not less than three-fourths of such members of the company for the time being entitled according to the regulations of the company to vote as may be present in person or by proxy in cases where by the regulations of the company proxies are allowed at any general meeting of which notice specifying the intention to propose such resolution has been duly given; and such resolution has

been confirmed by a majority of such members for the time being entitled according to the regulations of the company to vote as may be present in person or by proxy at a subsequent general meeting of which notice has been duly given and held at an interval of not less than fourteen days nor more than one month from the date of the meeting at which such resolution was first passed.

(2) At any meeting mentioned in this section unless a poll is demanded by at least five members a declaration of the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the same.

(3) Notice of any meeting shall for the purposes of this section be deemed to be duly given and the meeting to be duly held whenever such notice is given and meeting held in manner prescribed by the regulations of the company.

(4) In computing the majority under this section when a poll is demanded reference shall be had to the number of votes to which each member is entitled by the regulations of the company.

Provisions
where no
regulations
as to voting

121. In default of any regulations as to voting every member shall have one vote; and in default of any regulations as to summoning general meetings a meeting shall be held to be duly summoned of which seven days' notice in writing has been served on every member in manner in which notices are required to be served by the table marked A in the first schedule hereto; and in default of any regulations as to the person to summon meetings five members shall be competent to summon the same; and in default of any regulations as to who is to be chairman of such meeting it shall be competent for any person elected by the members present to preside.

Registration
of special
resolution

122. A copy of any special resolution that is passed by any company under this Ordinance shall be forwarded to the registrar and be recorded by him.

(2) If such copy is not forwarded within fifteen days from the date of the confirmation of the resolution the company shall upon summary conviction be liable to a penalty not exceeding \$10 for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded; and every director, manager and officer of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

Special
resolutions to
be embodied
in articles of
association,
or supplied
to members

123. Where articles of association have been registered a copy of every special resolution for the time being in force shall be annexed to or embodied in every copy of the articles

of association that may be issued after the passing of such resolution and where no articles of association have been registered a copy of any special resolution shall be forwarded to any member requesting the same on payment of twenty-five cents or such less sum as the company may direct;

(2) If any company makes default in complying with the provisions of this section it shall upon summary conviction be liable to a penalty not exceeding \$5 for each copy in respect of which such default is made; and every director and manager of the company who shall knowingly and wilfully authorise or permit such default shall upon summary conviction be liable to the like penalty.

124. Any company under this Ordinance may by instrument in writing under its common seal empower any person either generally or in respect of any specified matters as its attorney to execute deeds on its behalf in any place situate within or without the limits of the Territories; and every deed signed by such attorney on behalf of the company and under his seal shall be binding on the company and have the same effect as if it were under the common seal of the company.

Inspectors.

125. The Lieutenant Governor in Council may appoint one or more competent inspectors to examine into the affairs of any company under this Ordinance and to report thereon in such manner as the Lieutenant Governor in Council may direct upon the applications following, that is to say:

- (a) In the case of any company that has a capital divided into shares upon the application of members holding not less than one-fifth of the whole shares of the company for the time being issued;
- (b) In the case of any company not having a capital divided into shares upon the application of members being in number no less than one-fifth of the whole number of persons for the time being entered on the register of the company as members.

126. The application shall be supported by such evidence as the Lieutenant Governor in Council may require for the purpose of showing that the applicants have good reason for requiring such investigation to be made and that they are not actuated by malicious motives in instituting the same; the Lieutenant Governor in Council may also require applicants to give security for payment of the costs of the enquiry before appointing any inspector or inspectors.

127. It shall be the duty of all officers and agents of the company to produce for the examination of the inspectors all books and documents in their custody or power; and any inspector may examine upon oath the officers and agents of

the company in relation to its business and may administer such oath accordingly.

(2) If any officer or agent refuses to produce any book or document hereby directed to be produced or to answer any question relating to the affairs of the company he shall upon summary conviction be liable to a penalty not exceeding \$25 in respect of each offence.

Report

128. Upon the conclusion of the examination the inspectors shall report the result of the same to the Lieutenant Governor in Council; and a copy of such report shall be forwarded by the Territorial Secretary to the registered office of the company; and a further copy shall at the request of the members upon whose application inspection is made be delivered to them or to any one or more of them.

Expenses

(2) All expenses of and incidental to any such examination as aforesaid shall be defrayed by the members upon whose application the inspectors were appointed unless the Lieutenant Governor in Council shall direct the same to be paid out of the assets of the company which he is hereby authorised to do.

Inspectors appointed by special resolution

129. Any company under this Ordinance may by special resolution appoint inspectors for the purpose of examining into the affairs of the company; and the inspectors so appointed shall have the same powers and perform the same duties as inspectors appointed by the Lieutenant Governor in Council with this exception that instead of making their report to the Lieutenant Governor in Council they shall make the same in such manner and to such persons as the company in general meeting directs; and the officers and agents of the company shall incur the same penalties in case of any refusal to produce any book or document hereby required to be produced to such inspectors or to answer any question as they would have incurred if such inspector had been appointed by the Lieutenant Governor in Council.

Proof of admissibility of report in legal proceedings

130. A copy of the report of any inspectors appointed under this Ordinance authenticated by the seal of the company into whose affairs they have made the inspection shall be admissible in any legal proceedings as evidence of the opinion of the inspectors in relation to any matter contained in such report.

Audit.

Appointment of auditors

131. Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2) If an appointment is not made at an annual general meeting the registrar may on the application of any member of the company appoint an auditor of the company for the current year and fix the remuneration to be paid to him by the company for his services.

(3) A director or officer of the company shall not be capable of being appointed auditor of the company;

(4) The first auditors of the company may be appointed by the directors before the statutory meeting; and if so appointed shall hold office until the first annual general meeting unless previously removed by a resolution of the shareholders in general meeting in which case the shareholders at such meeting may appoint auditors.

(5) The directors of the company may fill any casual vacancy in the office of auditor; but while any such vacancy continues the surviving or continuing auditor or auditors if any may act.

132. Subject to the provisions of the next preceding section the remuneration of the auditors of a company shall be fixed by the company in general meeting; except that the remuneration of any auditors appointed before the statutory meeting or to fill any casual vacancy may be fixed by the directors. Remuneration of auditors

133. Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors; and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not all their requirements as auditors have been complied with; and shall make a report to the shareholders on the accounts examined by them and on every balance sheet laid before the company in general meeting during their tenure of office; and in every such report shall state whether in their opinion the balance sheet referred to in their report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by the books of the company; and such report shall be read before the company in general meeting. Rights and duties of auditors

Legal Proceedings.

134. Every company under this Ordinance shall cause minutes of all resolutions and proceedings of general meetings of the company and of the directors and managers of the company in cases where there are directors or managers to be duly entered in the books to be from time to time provided for the purpose; and any such minute as aforesaid if purporting to be signed by the chairman of the meeting at which such resolutions were passed or proceedings had or by the chairman of the next succeeding meeting shall be received as evidence in all legal proceedings; and until the contrary is proved every general meeting of the company or meeting of directors or managers in respect of proceedings of which minutes have been so made shall be deemed to have been duly held and Evidence of proceedings at meetings

convened and all resolutions passed thereat or proceedings had to have been duly passed and had and all appointments of directors, managers or liquidators shall be deemed to be valid; and all acts done by such directors, managers or liquidators shall be valid notwithstanding any defect that may afterwards be discovered in their appointments or qualifications.

Plaintiff company to give security for costs in certain cases

135. Where a company under this Ordinance is plaintiff in any action, suit or other legal proceeding any judge having jurisdiction in the matter may if it appears by any credible testimony that there is reason to believe that if the defendant be successful in his defence the assets of the company will be insufficient to pay his costs require sufficient security to be given for such costs and may stay all proceedings until such security is given.

Declaration in action against member

136. In any action or suit brought by a company under this Ordinance against any member to recover any call or other moneys due from such member in his character of member it shall not be necessary to set forth the special matter but it shall be sufficient to allege that the defendant is a member of the company and is indebted to the company in respect of a call made or other moneys due whereby a right of action or suit hath accrued to the company.

Penalty for false statement

137. If any person in any return, report, certificate, balance sheet or other document required by or for the purposes of this Ordinance wilfully makes a statement false in any material particular knowing it to be false he shall be liable on summary conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding four months or to both fine and imprisonment.

False Statement.

Power to companies to refer matters to arbitration

138. Any company under this Ordinance may from time to time by writing under its common seal agree to refer and may refer to arbitration in accordance with *The Arbitration Ordinance* any existing or future difference, question or other matter whatsoever in dispute between itself and any other company or person; and the parties to the arbitration may delegate to the person or persons to whom the reference is made power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves or by the directors or other managing body of such companies.

Application of Arbitration Ordinance

139. All the provisions of *The Arbitration Ordinance* shall be deemed to apply to arbitrations between companies and persons in pursuance of this Ordinance.

Forms.

140. The forms set forth in the second schedule hereto or forms as near thereto as circumstances admit shall be used in all matter to which such forms refer.

Lieutenant Governor in Council may alter forms in schedule

(2) The Lieutenant Governor in Council may from time to time make such alterations in the forms in the second schedule or make such additions to the said forms as may be requisite.

(3) Any alteration or any form when altered shall be published in the gazette; and upon such publication being made such alteration or such form shall have the same force as if it were included in the schedule to this Ordinance and shall be substituted in or for the form it alters.

PART IV.—APPLICATION TO EXISTING COMPANIES.

141. Any company heretofore incorporated by any special Existing companies may Ordinance of the Territories or by letters patent under the register provisions of any Ordinance of the Territories may register itself under this Ordinance as a company limited by shares.

142. The procedure for registering any existing company shall be as follows:

Procedure for registration of existing company

1. If it is not desired to make any alteration in the name, objects or capital of the company nor to provide for a new allotment of shares the directors may apply to the registrar to have the company registered;

2. If the directors should desire to change the name of the company or to extend its objects or to increase or reduce its capital or to provide for a new allotment of shares they shall call a meeting of the shareholders of the company by sending to each shareholder through the post in a prepaid letter addressed to him at his registered place of abode seven days' notice at the least specifying the place, the day and the hour of meeting and containing a copy of the resolution to be submitted to such meeting and such resolution shall contain particulars of the proposed alterations;

3. In case it shall be resolved by a vote of not less than two-thirds in value of the shareholders present in person or by proxy at such meeting that the company be registered under this Ordinance in manner specified the directors shall apply to the registrar to have the company so registered.

143. When an existing company applies for registration under this Ordinance there shall be delivered to the registrar the following documents duly verified:

Application for registration by existing company

1. A list showing the names, addresses and occupations of all persons who on a day named on such list and not being more than ten clear days before the day of registration were members of such company with the addition of the shares held

by such persons respectively distinguishing in cases where such shares are numbered each share by its number;

2. The names of the directors of such company;
3. A copy of any letters patent, certificate or other instrument constituting or regulating the company or if incorporated by a special Ordinance a reference to such Ordinance and any amendments thereto;
4. A statement verifying the following particulars, that is to say :
 - (a) The nominal capital of the company and the number of shares into which it is divided;
 - (b) The number of shares taken and the amount paid on each share;
 - (c) The name of the company with the addition of the word "Limited" as the last word thereof;
5. A memorandum of association or a statement that the letters patent or special Ordinance of incorporation as the case may be shall be treated as a memorandum of association and articles of association if desired executed in the same manner and containing the same particulars as are necessary upon the first registration of a company;
6. A copy of the resolution if any passed at the meeting of the company referred to in the preceding section.

Power to
existing com-
pany to vary
objects of
company, etc.,
upon regis-
tration

144. Where an existing company applies for registration as aforesaid the memorandum of association shall conform with the terms of the resolution of the company; and may if so authorised extend, vary or limit the powers and objects of the old company; and the certificate of registration may be issued to the new company by the name of the old company or by any other name in which the last word shall be "Limited."

(2) Where an existing company applies for registration as aforesaid the capital of the company may be increased or decreased to any amount which may be fixed by the resolution of the company authorising such resolution.

(3) The said resolution may prescribe the manner in which the shares or stock in the new company are to be allotted; and in default of its so doing the control of the allotment shall vest absolutely in the directors of the new company;

(4) Whenever the registrar considers that public notice of an intended application as aforesaid should be given he may require such notice to be published in the gazette or otherwise as he thinks proper.

(5) The registrar may further require evidence of the existence of a company applying for registration as aforesaid.

Certificate of
registration
of existing
company

145. Upon compliance by an existing company with the aforesaid requirements the registrar shall certify under his hand that the company so applying for registration is incorporated as a company under this Ordinance and that it is

limited; and thereupon such company shall be incorporated and shall have perpetual succession and a common seal with power to hold lands.

146. A certificate of incorporation given at any time to any company registered in pursuance of this part of this Ordinance shall be conclusive evidence that all the requirements herein contained in respect of registration under this Ordinance have been complied with; and that the company is authorised to be registered under this Ordinance as a limited company; and the date of incorporation mentioned in such certificate shall be deemed to be the date at which the company is incorporated under this Ordinance.

147. All such property real and personal including all interests and rights in, to and out of property real and personal and including obligations and things in action as may belong to or be vested in the company at the date of its registration under this Ordinance shall on registration pass to and vest in the company as incorporated under this Ordinance for all the estate and interest of the company therein.

148. The registration in pursuance of this part of this Ordinance of any company shall not affect or prejudice the liability of such company to have enforced against it or its right to enforce any debt or obligation incurred or any contract entered into, by, to, with or on behalf of such company previous to such registration.

149. All such actions and other legal proceedings as may be commenced by or against such company or any officer or member thereof may be continued in the same manner as if such registration had not taken place; nevertheless execution shall not issue against the effects of any individual member of such company upon any judgment, decree or order obtained in any action, suit or proceeding so commenced as aforesaid; but in the event of the property and effects of the company being insufficient to satisfy such judgment, decree or order an order may be obtained for winding up the company.

Repeal.

150. Chapter 61 of *The Consolidated Ordinances 1898* Repeal intituled *An Ordinance respecting the Incorporation of Joint Stock Companies*, chapter 62 of *The Consolidated Ordinances 1898* intituled *An Ordinance to authorise the changing of the names of Incorporated Companies* and chapter 64 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Mining Companies*, chapter 12 of the Ordinances of 1899 and chapter 17 of the Ordinances of 1900 amending chapter 61 of *The Consolidated Ordinances 1898* and chapter

19 of the Ordinances of 1900 amending chapter 64 of *The Consolidated Ordinances 1898* are hereby repealed:

Provided that such repeal shall not affect—

- (a) Anything duly done under any of the said repealed Ordinances;
- (b) The corporate existence of any company incorporated under the said repealed Ordinances;
- (c) Any right or privilege acquired or liability incurred under any of the said repealed Ordinances;
- (d) Any conveyance, transfer, mortgage, deed or other instrument made in pursuance of the said repealed Ordinances.

Compulsory registration

151. Every company incorporated under the said Ordinances hereby repealed or under any general Ordinance of the Territories relating to the incorporation of joint stock companies shall register itself as a company under this Ordinance on or before the first day of July, 1902.

(2) No fees shall be charged in respect of the registration of any company required to register by this section except in respect of increase of capital.

Penalty for company not registering

152. If any company required by the preceding section to register under this Ordinance makes default in complying with the provisions thereof then from and after the date upon which such company is required to register under this Ordinance until the day on which such company is registered under this Ordinance which it is empowered to do at any time the following consequences shall ensue, that is to say:

- (a) The company shall be incapable of suing but shall not be incapable of being made a defendant to a suit;
- (b) No dividend shall be payable to any shareholder in such company;
- (c) Each director or manager of the company shall for each day during which the company so being in default carries on business on summary conviction be liable to a penalty not exceeding \$25;

nevertheless such default shall not render the company so being in default an illegal one nor subject to any penalty or disability other than as specified in this section.

FIRST SCHEDULE.

TABLE A.—REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED BY SHARES.

Shares.

First schedule
Table A

- (1) If several persons are registered as joint holders of any shares any of such persons may give effectual receipts for any dividend payable in respect of such shares.

(2) Every member shall on payment of twenty-five cents or such less sum as the company in general meeting may prescribe be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon.

(3) If such certificate is worn out or lost it may be renewed on payment of twenty-five cents or such less sum as the company in general meeting may prescribe.

Calls on Shares.

(4) The directors may from time to time make such calls upon the members in respect of all moneys unpaid on their shares as they think fit provided that thirty days' notice at least is given of each call and each member shall be liable to pay the amount of calls so made to the persons and at the time and place appointed by the directors.

(5) A call shall be deemed to have been made at the time when the resolution of the directors authorising such call was passed.

(6) If the call payable in respect of any share is not paid before or on the day appointed for payment thereof the holder for the time being of such share shall be liable to pay interest for the same at the rate of five per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

(7) The directors may if they think fit receive from any member willing to advance the same all or any part of the moneys due upon the shares held by him beyond the sums actually called for; and upon the money so paid in advance or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made the company may pay interest at such rate as the member paying such sum in advance and the directors may agree upon.

Transfer of Shares.

(8) The instrument of transfer of any shares in the company shall be executed both by the transferor and the transferee and the transferor shall be deemed to remain a holder of such share until the name of the transferee is entered in the register book in respect thereof.

(9) Shares in the company shall be transferred in the following form:

I, A.B., of , in consideration of the sum of dollars paid to me by C.D. of , do hereby transfer to the said C.D. the share (or shares) numbered standing in my name in the books of the company to hold unto the said C.D., his executors, administrators and assigns, subject to the several conditions on which I held the

First schedule
Table A

First schedule same at the time of the execution hereof; and I, the said C.D.,
Table A do hereby agree to take the said share (or shares) subject to
the same conditions. As witness our hands the
day of

(10) The company may decline to register any transfer of shares made by a member who is indebted to it.

(11) The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

Transmission of Shares.

(12) The executors or administrators of a deceased member shall be the only persons recognised by the company as having any title to his share.

(13) Any person becoming entitled to a share in consequence of the death or insolvency of any member may be registered as a member upon such evidence being produced as may from time to time be required by the company.

(14) Any person who has become entitled to a share in consequence of the death or insolvency of any member may instead of being registered himself elect to have some person to be named by him registered as a transferee of such share.

(15) The person so becoming entitled shall testify such election by executing to his nominee an instrument of transfer of such share.

(16) The instrument of transfer shall be presented to the company accompanied with such evidence as the directors may require to prove the title of the transferor and thereupon the company shall register the transferee as a member.

Forfeiture of Shares.

(17) If any member fails to pay any call on the day appointed for the payment thereof the directors may at any time thereafter during such time as the call remains unpaid serve a notice on him requiring him to pay such call together with interest and any expenses that may have accrued by reason of such nonpayment.

(18) The notice shall name a further day on or before which such call and all interest and expenses that may have accrued by reason of such nonpayment are to be paid. It shall also name the place where payment is to be made the place so named being either the registered office of the company or some other place at which calls of the company are usually made payable. The notice shall also state that in the event of nonpayment at or before the time and at the place appointed the shares in respect to which such call was made will be liable to be forfeited.

(19) If the requisitions of any such notice as aforesaid are not complied with any share in respect of which such notice

has been given may at any time thereafter before payment of First schedule
all calls, interest and expenses due in respect thereof has been
made be forfeited by a resolution of the directors to that
effect.

(20) Any share so forfeited shall be deemed to be the property of the company and may be disposed of in such manner as the company in general meeting thinks fit.

(21) Any members whose shares have been forfeited shall notwithstanding be liable to pay to the company all calls owing upon such shares at the time of the forfeiture.

(22) An affidavit that the call in respect of a share was made and notice thereof given and that default in payment of the call was made and that the forfeiture of the share was made by resolution of the directors to that effect shall be sufficient evidence of the facts therein stated as against all persons entitled to such share and such affidavit and the receipt of the company for the price of such share shall constitute a good title to such share and the certificate of proprietorship shall be delivered to the purchaser and thereupon he shall be deemed the holder of such share discharged from all calls due prior to such purchase and he shall not be bound to see to the application of the purchase money nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

Conversion of Shares into Stock.

(23) The directors may with the sanction of the company previously given in general meeting convert any paid up shares into stock.

(24) When any shares have been converted into stock the several holders of such stock may thenceforth transfer their respective interests therein or any part of such interests in the same manner and subject to the same regulations as and subject to which any shares in the capital may be transferred or as near thereto as circumstances admit.

(25) The several holders of stock shall be entitled to participate in the dividends and profits of the company according to the amount of their respective interest in such stock; and such interest shall in proportion to the amount thereof confer on the holders thereof respectively the same privileges and advantages for the purpose of voting at meetings of the company and for other purposes as would have been conferred by shares of equal amount in the capital of the company; but so that none of such privileges or advantages except the participation in the dividends and profits of the company shall be conferred by any such aliquot part of consolidated stock as would not if existing in shares have conferred such privileges or advantages.

First schedule
Table A

Increase in Capital.

(26) The directors may with the sanction of a special resolution of the company previously given in general meeting increase its capital by the issue of new shares such aggregate increase to be of such amount and to be divided into shares of such respective amounts as the company in general meeting directs or if no direction is given as the directors may think expedient.

(27) Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital all new shares shall be offered to the members in proportion to the existing shares held by them and such offer shall be made by notice specifying the number of shares to which the member is entitled and limiting the time within which the offer if not accepted will be deemed to be declined; and after the expiration of such time or on the receipt of an intimation from the member whom such notice is given that he declines to accept the shares offered the directors may dispose of the same in such manner as they think most beneficial to the company.

(28) Any capital raised by the creation of new shares shall be considered as part of the original capital and shall be subject to the same provisions with reference to the payment of the calls and the forfeiture of shares or nonpayment of calls or otherwise as if it had been part of the original capital.

General Meetings.

(29) The first general meeting shall be held at such time not being more than four months after the registration of the company and at such place as the directors may determine.

(30) Subsequent general meetings shall be held at such time and place as may be prescribed by the company in general meeting; and if no other time or place is prescribed a general meeting shall be held on the first Monday in February every year at such place as shall be determined by the directors.

(31) The above mentioned general meetings shall be called ordinary meetings; all other meetings shall be called extraordinary.

(32) The directors may whenever they think fit and they shall upon a requisition made in writing by not less than one-fifth in number of the members of the company convene an extraordinary general meeting.

(33) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the registered office of the company.

(34) Upon the receipt of such requisition the directors shall forthwith proceed to convene an extraordinary general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition the

requisitionists or any other members amounting to the required number may themselves convene an extraordinary general meeting.

Proceedings at General Meeting.

(35) Seven days' notice at the least specifying the place, the day and the hour of meeting and in case of special business the general nature of such business shall be given to the members in manner hereafter mentioned or in such other manner if any as may be prescribed by the company in general meeting but the nonreceipt of such notice by any member shall not invalidate the proceedings at any general meeting.

(36) All business shall be deemed special that is transacted at an extraordinary meeting and all that is transacted at an ordinary meeting with the exception of sanctioning a dividend and the consideration of the accounts, balance sheets and the ordinary report of the directors.

(37) No business shall be transacted at any general meeting except the declaration of a dividend unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say: If the persons who have taken shares in the company at the time of the meeting do not exceed ten in number the quorum shall be three; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty and one for every ten additional members after fifty with this limitation that no quorum shall in any case exceed twenty.

(38) If within one hour from the time appointed for a meeting a quorum is not present the meeting if convened upon the requisition of members shall be dissolved. In any other case it shall stand adjourned to the same day in the next week at the same time and place; and if at such adjourned meeting a quorum is not present it shall be adjourned *sine die*.

(39) The president of the company shall preside as chairman at every general meeting of the company.

(40) If there is no such chairman or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting the members present shall choose some one of their number to be chairman.

(41) The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(42) At any general meeting unless a poll is demanded by at least three members a declaration by the chairman that a resolution has been carried and an entry to that effect in the

First schedule book of proceedings of the company shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

(43) If a poll is demanded by three or more members it shall be taken in such manner as the chairman directs and the result of such poll shall be deemed to be the resolution of the company in general meeting. In case of an equality of votes at any general meeting the chairman shall be entitled to a second or casting vote.

Votes of Members.

(44) Every member shall have one vote for every share up to ten; he shall have an additional vote for every five shares beyond the first ten shares up to one hundred and an additional vote for every ten shares beyond the first hundred shares.

(45) If any member is a lunatic or idiot he may vote by his committee, *curator bonis* or other legal curator or guardian.

(46) If one or more persons are jointly entitled to a share or shares the member whose name stands first in the register of members as one of the holders of such share or shares and no other shall be entitled to vote in respect of the same.

(47) No member shall be entitled to vote at any general meeting unless all calls due from him have been paid and no member shall be entitled to vote in respect of any share that he has acquired by transfer at any meeting held after the expiration of three months from the registration of the company unless he has been possessed of the share in respect of which he claims to vote for at least three months previously to the time of holding the meeting at which he proposes to vote.

(48) Votes to be given either personally or by proxy.

(49) The instrument appointing a proxy shall be in writing under the hand of the appointor or if such appointor is a corporation under their common seal and shall be attested by one or more witness or witnesses. No person shall be appointed a proxy who is not a member of the company.

(50) The instrument appointing a proxy shall be deposited at the registered office of the company not less than twenty-four hours before the time for holding the meeting at which the person named in such instrument proposes to vote; but no instrument appointing a proxy shall be valid after the expiration of twelve months from the date of its execution.

(51) Any instrument appointing a proxy shall be in the following form:

Company Limited,

I, _____, of _____, being a member
of the _____ Company Limited, and entitled to
vote [or votes] hereby appoint _____ of
as my proxy to vote for me and on my behalf at the [ordinary

or extraordinary *as the case may be*] general meeting of the company to be held on the day of and at any adjournment thereof [or at any meeting of the company that may be held in the year].

As witness my hand this day of
Signed by the said in the presence
of

Directors.

(52) The number of the directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

(53) Until directors are appointed the subscribers of the memorandum of association shall be deemed to be directors.

(54) The future remuneration of the directors and their remuneration for services performed previously to the first general meeting shall be determined by the company in general meeting.

Powers of Directors.

(55) The business of the company shall be managed by the directors who may pay all expenses incurred in getting up and registering the company and may exercise all such powers of the company as are not by the foregoing Ordinance or by these articles required to be exercised by the company in general meeting subject nevertheless to any regulations of these articles, to the provisions of the foregoing Ordinance and to such regulations being not inconsistent with the aforesaid regulations or provisions as may be prescribed by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

(56) The continuing directors may act notwithstanding any vacancy in their body.

Disqualification of Directors.

(57) The office of the director shall be vacated—

If he holds any other office or place of profit under the company;

If he becomes insolvent;

If he is concerned in or participates in the profits of any contract with the company.

But the above rules shall be subject to the following exceptions:

That no director shall vacate his office by reason of his being a member of any company which has entered into contracts with or done any work for the company of which he is a director; nevertheless he shall not vote in respect of such contract or work; and if he does so vote his vote shall not be counted.

Rotation of Directors.

(58) At the first ordinary meeting after the registration of the company the whole of the directors shall retire from office; and at the first ordinary meeting in every subsequent year one-third of the directors for the time being or if their number is not a multiple of three then the number nearest to one-third shall retire from office.

(59) The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the company shall unless the directors agree among themselves be determined by ballot; in every subsequent year the one-third or other nearest number who have been longest in office shall retire.

(60) A retiring director shall be re-eligible.

(61) The company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

(62) If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up the meeting shall stand adjourned till the same day in the next week at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up the vacating directors or such of them as have not had their places filled up shall continue in office until the ordinary meeting in the next year and so on from time to time until their places are filled up.

(63) The company may from time to time in general meeting increase or reduce the number of directors and may also determine in what rotation such increased or reduced number is to go out of office.

(64) Any casual vacancy occurring in the board of directors may be filled up by the directors but any person so chosen shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

(65) The company in general meeting may by a special resolution remove any director before the expiration of his period of office and may by an ordinary resolution appoint another person in his stead; the person so appointed shall hold office during such time only as the director in whose place he is appointed would have held the same if he had not been removed.

Proceedings of Directors.

(66) The directors may meet together for the dispatch of business, adjourn and otherwise regulate their meetings as they think fit and determine the quorum necessary for the transaction of business. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may at any time summon a meeting of the directors.

(67) The directors may elect a chairman of their meetings First schedule
and determine the period for which he is to hold office; but if
no such chairman is elected or if at any meeting the chairman
is not present at the time appointed for holding the same the
directors present shall choose some one of their number to be
chairman of such meeting.

(68) The directors may delegate any of their powers to
committees consisting of such member or members of their
body as they think fit. Any committee so formed shall in the
exercise of the powers so delegated conform to any regulations
that may be imposed on them by the directors.

(69) A committee may elect a chairman of their meetings.
If no such chairman is elected or if he is not present at the
time appointed for holding the same the members present
shall choose one of their number to be chairman of such
meeting.

(70) A committee may meet and adjourn as they think
proper. Questions arising at any meeting shall be determined
by a majority of votes of the members present; and in case of
an equality of votes the chairman shall have a second or
casting vote.

(71) All acts done by any meeting of the directors or of a
committee of directors or by any person acting as a director
shall notwithstanding that it be afterwards discovered that
there was some defect in the appointment of any such directors
or persons acting as aforesaid or that they or any of them were
disqualified be as valid as if every such person had been duly
appointed and was qualified to be a director.

Dividends.

(72) The directors may with the sanction of the company in
general meeting declare a dividend to be paid to the members
in proportion to their shares.

(73) No dividend shall be payable except out of the profits
arising from the business of the company.

(74) The directors may before recommending any dividend
set apart out of the profits of the company such sum as they
think proper as a reserve fund to meet contingencies or for
equalising dividends or for repairing or maintaining the works
connected with the business of the company or any part
thereof; and the directors may invest the sum so set apart as
a reserve fund upon such securities as they may select.

(75) The directors may deduct from the dividends payable
to any member all such sums of money as may be due from
him to the company on account of calls or otherwise.

(76) Notice of any dividend that may have been declared
shall be given to each member in manner hereinafter
mentioned; and all dividends unclaimed for three years after
having been declared may be forfeited by the directors for the
benefit of the company.

(77) No dividend shall bear interest as against the company.

Accounts.

(78) The directors shall cause true accounts to be kept:

Of the stock-in-trade of the company ;
Of the sums of money received and expended by the company and the matter in respect of which such receipt and expenditure takes place ; and
Of the credits and liabilities of the company.

The books of account shall be kept at the registered office of the company and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed by the company in general meeting shall be open to the inspection of the members during the hours of business.

(79) Once at least in every year the directors shall lay before the company in general meeting a statement of the income and expenditure for the past year made up to a date not more than three months before such meeting.

(80) The statement so made shall show arranged under the most convenient heads the amount of gross income distinguishing the several sources from which it has been derived and the amount of gross expenditure distinguishing the expense of the establishment, salaries and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account so that a just balance of profit and loss may be laid before the meeting and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year the whole amount of such item shall be stated with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

(81) A balance sheet shall be made out in every year and laid before the company in general meeting and such balance sheet shall contain a summary of the property and liabilities of the company arranged under the heads appearing in the form annexed to this table or as near thereto as circumstances admit.

(82) A printed copy of such balance sheet shall seven days previously to such meeting be served on every member in the manner in which notices are hereinafter directed to be served.

Notices.

(83) A notice may be served by the company upon any member either personally or by sending it through the post in a prepaid letter addressed to such member at his registered place of abode.

(84) All notices directed to be given to the members shall with respect to any share to which persons are jointly entitled be given to whichever of such persons is named first in the

register of members; and notice so given shall be sufficient First schedule
Table A notice to all the holders of such share.

(85) Any notice if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put in the post office.

First schedule
Table A

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19

Co. MADE UP TO

BALANCE SHEET OF THE

Dr.

CAPITAL AND LIABILITIES.

	PROPERTY AND ASSETS.		
I. CAPITAL.		\$	\$
1 Showing:			
2 The number of shares	-	-	
3 The amount paid per share	-	-	
4 If any arrears of calls, the nature of the ar- rears and the names of the defaulters.	-	-	
5 The particulars of any forfeited shares	-	-	
II. DEBTS AND LIABILITIES OF THE COM- PANY.			
6 Showing:			
7 The amount of loans on mortgages or de- benture bonds	-	-	
8 The amount of debts owing by the company, distinguishing—			
(a) Debts for which acceptances have been given;			
(b) Debts to tradesmen for supplies of stock in trade or other articles;			
(c) Debts for law expenses;			
(d) Debts for interest on debentures or other loans;			
(e) Unclaimed dividends;			
(f) Debts not enumerated above.			
VI. RESERVE FUND.			
Showing:			
The amount set aside from profits to meet contingencies.			
VII. PROFIT AND LOSS.			
Showing:			
The disposable balance for payment of divi- dend, etc.			
CONTINGENT LIABILITIES.			
Claims against the company not acknow- ledged as debts.			
Moneys for which the company is contin- gently liable.			

TABLE B.—TABLE OF FEES TO BE PAID TO THE REGISTRAR BY
A COMPANY HAVING A CAPITAL DIVIDED INTO SHARES.

For registration of a company whose nominal capital does not exceed \$10,000 a fee of	\$10.00	First schedule Table B
For registration of a company whose nominal capital exceeds \$10,000 the above fee of \$10 with the following additional fees regulated according to the amount of nominal capital, that is to say:		
For every \$5,000 of nominal capital or part of \$5,000 after the first \$10,000 up to \$25,000.....	5.00	
For every \$5,000 of nominal capital or part of \$5,000 after the first \$25,000 up to \$500,000....	2.00	
For every \$5,000 of nominal capital or part of \$5,000 after the first \$500,000.....	1.00	
For registration of any increase of capital made after the first registration of the company or any increase of capital of an existing company registering under this Ordinance the same fees per \$5,000 or part of a \$5,000 as would have been payable if such increased capital had formed part of the original capital at the time of registration in accordance with this table.		
For registration of any existing company except such companies as are by this Ordinance exempted from payment of fees in respect of registration under this Ordinance the same fee as is charged for registering a new company.		
For registering any document hereby required or authorised to be registered other than the memorandum of association.....	1.00	
For making a record of any fact hereby authorised or required to be recorded by the registrar a fee of	1.00	

TABLE C.—TABLE OF FEES TO BE PAID TO THE REGISTRAR BY
A COMPANY NOT HAVING A CAPITAL DIVIDED INTO SHARES.

For registration of a company whose number of members as stated in the articles of association does not exceed 10.....	\$10.00	First schedule Table C
For registration of a company whose number of members as stated in the articles of association exceeds 10 but does not exceed 100.....	25.00	
For registration of a company whose number of members as stated in the articles of association exceeds 100 but is not stated to be unlimited the		

First schedule
Table C

above fee of \$25 with an additional \$1 for every 50 members or less number than 50 members after the first 100.....	
For registration of a company in which the number of members is stated in the articles of association to be unlimited a fee of.....	\$ 100.00
For registration of any increase in the number of members made after the registration of the company in respect of every 50 members or less than 50 members of such increase.....	1.00
Provided that no one company shall be liable to pay on the whole a greater fee than \$100 in respect of its number of members, taking into account the fee paid on the first registration of the company.	
For registering any document hereby required or authorised to be registered other than the memorandum of association.....	1.00
For making a record of any fact hereby authorised or required to be recorded by the registrar of companies a fee of.....	1.00

SECOND SCHEDULE

FORM A.—MEMORANDUM OF ASSOCIATION OF A COMPANY LIMITED BY SHARES.

Second
schedule
Form A

(1) The name of the company is "The Rathburn Stove and Furnace Company, Limited."

(2) The registered office of the company will be situate in

(3) The objects for which the company is established are "the manufacture and sale of stoves and furnaces."

(4) The liability of the members is limited.

(5) The capital of the company is dollars divided into shares of dollars each.

We the several persons whose names and addresses are subscribed are desirous of being formed into a company in pursuance of this memorandum of association and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, addresses and descriptions of subscribers.	No. of shares taken by each subscriber.	Second schedule Form A
1. John Jones, of , merchant	200	
2. John Smith, of " "	25	
3. Thomas Green, of " "	30	
4. John Thompson, of " "	40	
5. Caleb White, of " "	15	
Total shares taken	310	

Dated the day of
 Witness to the above signatures—
 A.B., of

**FORM B.—MEMORANDUM AND ARTICLES OF ASSOCIATION OF A
 COMPANY LIMITED BY GUARANTEE AND NOT HAVING
 A CAPITAL DIVIDED INTO SHARES.**

Memorandum of Association.

(1) The name of the company is "The Western Ranchman's Supply Association, Limited." Second
schedule
Form B

(2) The registered office of the company will be situate in

(3) The objects for which the company is established are "the purchasing of all classes of goods, wares and merchandise and supplying the same to members of the company and the doing all such other things as are incidental or conducive to the attainment of the above objects."

(4) Every member of the company undertakes to contribute to the assets of the company in the event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member and the costs, charges and expenses of winding up the same and for the adjustment of the rights of the contributors amongst themselves such amount as may be required not exceeding dollars.

We the several persons whose names and addresses are subscribed are desirous of being formed into a company in pursuance of this memorandum of association.

Names, addresses and descriptions of subscribers :

- | | |
|----------------------|-------------|
| 1. John Jones, of | , merchant. |
| 2. John Smith, of | " " |
| 3. Thomas Green, of | " " |
| 4. John Thompson, of | " " |
| 5. Caleb White, of | " " |

Dated the day of 190
 Witness to the the above signatures—
A.B., of

**ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING
MEMORANDUM OF ASSOCIATION.**

(1) The company for the purpose of registration is declared to consist of five hundred members.

(2) The directors hereinafter mentioned may whenever the business of the association requires it register an increase of members.

Definition of Members.

(3) Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulations hereinafter contained.

General Meetings.

(4) The first general meeting shall be held at such time not being more than three months after the incorporation of the company and at such place as the directors may determine.

(5) Subsequent general meetings shall be held at such time and place as may be prescribed by the company in general meeting ; and if no other time or place is prescribed a general meeting shall be held on the first Monday in February in every year at such place as may be determined by the directors.

(6) The above mentioned general meetings shall be called ordinary meetings ; all other general meetings shall be called extraordinary.

(7) The directors may whenever they think fit and they shall upon a requisition made in writing by any five or more members convene an extraordinary general meeting.

(8) Any requisition made by the members shall express the object of the meeting proposed to be called and shall be left at the registered office of the company.

(9) Upon the receipt of such requisition the directors shall forthwith proceed to convene a general meeting. If they do not proceed to convene the same within twenty-one days from the date of the requisition the requisitionists or any other five members may themselves convene a meeting.

Proceedings at General Meetings.

(10) Seven days' notice at the least specifying the place, the day and the hour of meeting and in case of special business the general nature of such business shall be given to members in manner hereinafter provided or in such other manner if any as may be prescribed by the company in general meeting ;

but the nonreceipt of such notice by any member shall not invalidate the proceedings at any general meeting.

Second
schedule
Form B

(11) All business shall be deemed special that is transacted at an extraordinary meeting and all that is transacted at an ordinary meeting with the exception of the consideration of the accounts, balance sheets and the ordinary report of the directors.

(12) No business shall be transacted at any meeting except the declaration of a dividend unless a quorum of members is present at the commencement of such business; and such quorum shall be ascertained as follows, that is to say: If the members of the company at the time of the meeting do not exceed ten in number the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty and one for every ten additional members after fifty with this limitation that no quorum shall in any case exceed thirty.

(13) If within one hour from the time appointed for the meeting a quorum of members is not present the meeting if convened upon the requisition of the members shall be dissolved. In any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of members is not present it shall be adjourned *sine die*.

(14) The chairman if any of the directors shall preside as chairman at every general meeting of the company.

(15) If there is no such chairman or if at any meeting he is not present at the time of holding the same the members present shall choose some one of their number to be chairman at such meeting.

(16) The chairman may with the consent of the meeting adjourn any meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

(17) At any general meeting unless a poll is demanded by at least five members a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the company shall be sufficient evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.

(18) If a poll is demanded in manner aforesaid the same shall be taken in such manner as the chairman directs and the result of such poll shall be deemed to be the resolution of the company in general meeting.

Votes of Members.

(19) Every member shall have one vote and no more.

(20) If any member is a lunatic or idiot he may vote by his committee *curator bonis* or other legal curator or guardian.

(21) No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

(22) Votes may be given either personally or by proxies. A proxy shall be appointed in writing under the hand of the appointor or if such appointor is a corporation under its common seal.

(23) No person shall be appointed a proxy who is not a member and the instrument appointing him shall be deposited at the registered office of the company not less than twenty-four hours before the time of holding the meeting at which he proposes to vote.

(24) Any instrument appointing a proxy shall be in the following form:

Company, Limited.
 I, _____, being a member of
 the _____ Company, Limited, hereby appoint _____,
 of _____, as my proxy to vote for me and on my behalf
 at the [ordinary or extraordinary as the case may be] general
 meeting of the company to be held on the _____ day
 of _____, and at any adjournment thereof to be held on
 the _____ day of _____ next [or any meeting of
 the company that may be held in the year 190 ____].

As witness my hand this _____ day of
 Signed by the said _____ in the presence of

Directors.

(25) The number of directors and the names of the first directors shall be determined by the subscribers of the memorandum of association.

(26) Until directors are appointed the subscribers of the memorandum of association shall for all the purposes of this Ordinance be deemed to be directors.

Powers of Directors.

(27) The business of the company shall be managed by the directors who may exercise all such powers of the company as are not hereby required to be exercised by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

Election of Directors.

(28) The directors shall be elected annually by the company in general meeting.

Business of Company.

(Here insert rules as to mode in which business of company is carried on.)

Notices.

Second
schedule
Form B

(29) A notice may be served by the company upon any member either personally or by sending it through the post in a prepaid letter addressed to such member at his registered place of abode.

(30) Any notice if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post; and in proving such service it shall be sufficient to prove that a letter containing the notice was properly addressed and put into the post office.

FORM C.—MEMORANDUM AND ARTICLES OF ASSOCIATION OF A COMPANY LIMITED BY GUARANTEE AND HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

(1) The name of the company is "The Highland Hotel Company, Limited." Second
schedule
Form C

(2) The registered office of the company will be situate in

(3) The objects for which the company is established are : Facilitating travelling in the Territories by providing hotels and conveyances for the accommodation of travellers and the doing all such other things as are incidental or conducive to the attainment of the above object.

(4) Every member of the company undertakes to contribute to the assets of the company in the event of the same being wound up during the time that he is a member or within one year afterwards for payment of the debts and liabilities of the company contracted before the time at which he ceases to be a member and the costs, charges and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves such amount as may be required not exceeding dollars.

We the several persons whose names and addresses are subscribed are desirous of being formed into a company in pursuance of this memorandum of association.

Names, addresses and descriptions of subscribers :

- | | |
|----------------------|-------------|
| 1. John Jones, of | , merchant. |
| 2. John Smith, of | , " |
| 3. Thomas Green, of | , " |
| 4. John Thompson, of | , " |
| 5. Caleb White, of | , " |

Dated the day of 190 .

Witness to the above signatures—

A.B., of

ARTICLES OF ASSOCIATION TO ACCOMPANY PRECEDING MEMORANDUM OF ASSOCIATION.

(1) The capital of the company shall consist of dollars divided into shares of dollars each.

(2) The directors may with the sanction of the company in general meeting reduce the amount of shares.

(3) The directors may with the sanction of the company in general meeting cancel any shares belonging to the company.

(4) All the articles of Table A in the schedule to *The Companies' Ordinance* shall be deemed to be incorporated with these articles and to apply to the company.

We the several persons whose names and addresses are subscribed agree to take the number of shares in capital of the company set opposite our respective names—

Names, addresses and descriptions of subscribers	Number of shares taken by each subscriber
1. John Jones, of ,	200
2. John Smith, of ,	25
3. Thomas Green, of ,	30
4. John Thompson, of ,	40
5. Caleb White, of ,	15
Total shares taken.....	310

Dated the day of 190
 Witness to the above signatures—
 A.B., of

FORM D.—MEMORANDUM AND ARTICLES OF ASSOCIATION OF AN UNLIMITED COMPANY HAVING A CAPITAL DIVIDED INTO SHARES.

Memorandum of Association.

(1) The name of the company is "The Patent Stereotype Company."

(2) The registered office of the company will be situate in

(3) The objects for which the company is established are "the working of a patent method of founding and casting stereotype plates of which method John Smith of is the sole patentee."

We the several persons whose names are subscribed are ^{Second} _{schedule} desirous of being formed into a company in pursuance of this Form D memorandum of association.

Names, addresses, and descriptions of subscribers.

1. John Jones, of , merchant.
2. John Smith, of , "
3. Thomas Green, of , "
4. John Thompson, of , "
5. Caleb White, of , "

Dated the day of , 190 .

Witness to the above signatures—

A. B., of

**ARTICLES OF ASSOCIATION TO ACCOMPANY THE PRECEDING
MEMORANDUM OF ASSOCIATION.**

Capital of the Company.

The capital of the company is dollars divided
into shares of dollars each.

Application of Table A.

All the articles in Table A in the schedule to *The Companies' Ordinance* shall be deemed to be incorporated with these articles and to apply to the company.

We the several persons whose names and addresses are subscribed agree to take the number of shares in the capital of the company set opposite our respective names.

Names, addresses and description of subscribers.	Number of shares taken by subscribers.
1. John Smith, of , merchant	1
2. John Jones, of , "	5
3. Thomas Green, of , "	2
4. John Thompson, of , "	2
5. Caleb White, of , "	3
Total shares taken	13

Dated the day of , 190 .

Witness to the above signatures—

A. B., of

FORM E as required by the Second Part of the Ordinance.

SUMMARY OF CAPITAL AND SHARES of the

COMPANY made up to the

day of

Nominal Capital \$, divided into shares of \$

Number of shares taken up to the day of
There has been called up on each share \$

Total amount of calls received \$

Total amount of calls unpaid \$

List of persons holding shares in the Company on the day of
held shares thereon at any time during the year immediately preceding the said day of
their names and addresses and an account of the shares so held.

day of

each

NAMES, ADDRESSES AND OCCUPATIONS

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Folio in Register Ledger containing particulars	Christian name	Address	Occupation	ACCOUNT OF SHARES		Shares held by persons no longer members	Remarks
				Shares held by existing members on the day of	Additional shares held by existing members during preceding year		
				Number	Date of transfer	Number	Date of transfer

1901

CHAPTER 21.

An Ordinance respecting Water, Gas, Electric and Telephone Companies.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. The provisions of this Ordinance shall apply to every company organised, incorporated or licensed under any Ordinance of the Territories for all or any of the purposes hereinafter set forth. C.O., c. 61, s. 88.

2. No company shall be entitled to the benefit of this Ordinance until it has obtained the consent of the municipal corporation of the city or town within which the powers hereby given are to be exercised by such company; such consent to be by bylaw and to be on such terms and conditions as the bylaw may provide or where the purposes of the company require the exercise of any of the said powers in any area without the limits of any city or town the consent of the Commissioner of Public Works to the exercise of such powers within such area shall also be first had and obtained. C.O., c. 67, s. 89.

3. The company may sell and dispose of meters and gas, water, electric or telephone fittings of every description for the use of any private or public building or for any establishment, company or corporation whatsoever as well as coke, coal tar and all and every the products of their works, refuse or residuum arising or to be obtained from the materials used or necessary for the manufacture of gas or electricity; and every company may let out to hire meters and gas, water, electric or telephone fittings of every kind and description at such rate and rents as may be agreed upon between the consumers or tenants and the company. C.O., c. 61, s. 90.

4. Any electric light company may lease to or enter into any contract with any person or persons or body corporate or politic for the use of any power, engines, wheels or machines run by water, steam, gas or in any other manner erected by such company for the purpose of running or operating electric light plant to the end and intent that such machinery and power may be utilised and employed during the hours when the same is not required for the purpose of furnishing electric light.

Laying mains
and wires in
streets

5. Subject to the terms of the consent referred to in section 2 hereof the company may break up, dig and trench and use so much and so many of the streets, squares, highways, lanes and public places of the municipality for supplying which with gas or water or electricity or a telephone system or either of them the company has been incorporated as are necessary for laying the mains and pipes to conduct the gas or water or for placing the wires and connecctions to conduct the electricity from the works of the company to the consumers or users thereof or make connection with the telephone system doing no unnecessary damage in the premises and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places while the works are in progress. C. O., c. 61, s. 91.

Company's
rights
regarding
mains and
pipes

6. When any company has laid down or erected mains, pipes, wires or conductors for the supply of gas, water, electricity or a telephone system through any of the streets, squares or public places of any municipality no other person or persons, bodies politic or corporate shall without the consent of the company first had and obtained nor otherwise than on payment to the company of such compensation as may be agreed upon lay down or erect any main, pipe, wire or conductor for the supply of gas, water, electricity or telephone system within six feet of the company's mains, pipes, wires or conductors or if it be impracticable to cut trenches for such other mains or pipes at a greater distance then as nearly six feet as the circumstances of the case will admit. C. O., c. 61, s. 92.

Supplying
parts of
buildings
having
different
owners or
tenants

7. When there are buildings within the municipality the different parts whereof belong to different proprietors or are in possession of different tenants or lessees the company may carry pipes, wires or conductors to any part of any building so situate passing over the property of one or more proprietors or in the possession of one or more tenants to convey the gas, water or electricity or connect the telephone system to the property of or in the possession of another. C. O., c. 61, s. 93.

Breaking up
passages, etc.

8. The company may also break up and uplift all passages common to neighbouring proprietors or tenants and dig or cut trenches therein for the purpose of laying down pipes, wires or conductors or taking up or repairing the same doing as little damage as may be in the execution of the powers granted by this Ordinance. C. O., c. 61, s. 94.

Compensation

9. The company shall make satisfaction to the owners or proprietors of any building or other property or to the municipality or Comissioner of Public Works as the case may be for all damages caused in or by the execution of all or any of the said powers. C. O., c. 61, s. 95.

Company not
to take private
property till
compensation
ascertained

10. No company shall be entitled by virtue of this Ordinance to take possession or make use of private property or to

do any work thereon until the amount to be paid for or in respect of such property is ascertained by arbitration or otherwise and is paid or tendered to the parties entitled thereto or is paid into court for their benefit.

11. The company shall locate and construct its gas or water works or electric or telephone system and all apparatus and appurtenances thereto belonging or appertaining or therewith connected and wheresoever situated so as not to endanger the public health or safety. C.O., c. 61, s. 96.

12. Nothing contained in this Ordinance shall authorise any company or any person acting under its authority to take, use or injure for the purpose of the company any house or other building or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house or nursery ground for trees or to convey from the premises of any person any water already appropriated and necessary for his domestic uses without the consent in writing of the owner or owners thereof first had and obtained. C.O., c. 61, s. 97.

13. Nothing in this Ordinance shall authorise any company to interfere with or infringe upon any exclusive privilege granted to any other company. C.O., c. 91, s. 98.

14. Nothing in this Ordinance contained shall prevent any person from constructing any works for the supply of gas, water or electricity or for a telephone system to or on his own premises. C.O., c. 61, s. 99.

15. Neither the service nor the connecting pipes, wires or conductors of the company nor any meters, lustres, lamps, pipes, gas or water or electric or telephone fittings nor any other property of any kind whatsoever of the company shall be subject to or liable for rent or liable to be seized or attached in any way by the possessor or owner of the premises wherein the same may be or be in any way whatsoever liable to any person for the debt of any person to and for whose use or the use of whose house or building the same may be supplied by the company notwithstanding the actual or apparent possession thereof by such person. C.O., c. 61, s. 100.

16. When a company has constructed works for supplying any municipality or municipalities with gas, water, electricity or telephones and the company is able so to do it shall be the duty of the company to supply all buildings situate upon land lying along the line of any supply pipe or wire upon the same being requested by the owner, occupant or other person in charge of any such building.

17. A company before supplying water, gas, electricity, or telephones to any building or as a condition to its continuing to

Company may require security from consumers

supply the same may require any consumer to give reasonable security for the payment of the proper charges of the company therefor or for carrying the water, gas, electricity or telephone system into such building.

Liability for failure of supply not affected

18. Nothing in the next preceding two sections contained shall be construed so as in any way to affect the liability of any company in respect of damages on account of any failure of supply through mischance, accident or mismanagement but the position of the company in respect thereof shall remain as if the said two sections had not been passed.

PROHIBITION AND PENALTIES.

Nonpayment of rates, etc.

19. If any person supplied by the company with gas, water, electricity or telephone neglects to pay the rent, rate or charge due to the company at any of the times fixed for the payment thereof the company or anyone acting under its authority on giving forty-eight hours' notice to the persons supplied may stop the supply of gas, water or electricity from entering or being supplied to or disconnect the telephone system from the premises of the person in arrear as aforesaid by cutting off the service pipe or pipes, wires or conductors or by such other means as the company or its officer sees fit; and may recover the rent or charge due up to such time together with the expense of cutting off the gas, water, electricity or telephone as the case may be in any competent court notwithstanding any contract to furnish for a longer time. C.O., c. 61, s. 101.

PENALTIES.

Penalties

20. If any person—

1. Wilfully or maliciously breaks up, pulls down or damages, injures, puts out of order or destroys any main, pipe, engine, waterhouse pipe, plug or other work, wire or conductor or apparatus, appurtenance or dependency thereof or any matter or thing made and provided for use in connection therewith or any of the materials used and provided for the same or ordered to be erected, laid down or belonging to any such company; or

2. In anywise wilfully does any other injury or damage for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works or causes or procures the same to be done; or

3. Bathes or washes or cleans any cloth, wool, leather, skin, animals or any nauseous or offensive thing or casts, throws or puts any filth, dirt or any nauseous thing in or causes, permits or suffers the water of any sink, sewer or drain to be run or be conveyed into or causes any other annoyance to be done to the water within any reservoir, cistern, pond, source or fountain from which the water belonging to the company is to be supplied or conveyed; or

4. By any wrongful or improper means increases the supply of gas or water or electricity agreed for with the company; or

5. Wilfully or maliciously damages or causes or knowingly suffers to be damaged any meter, lamp, lustre, wire, conductor, service pipe or fitting belonging to any such company or wilfully impairs or knowingly suffers the same to be altered or impaired so that the meter indicates less gas, water or electricity than actually passes through the same.

Such person shall on summary conviction be liable to a penalty not exceeding \$50.

21. In all cases where the company may lawfully cut off and take away the supply of gas, water or electricity or disconnect the telephone system from any house, building or premises the company, their agents or their workmen upon giving forty-eight hours' previous notice to the person in charge or the occupier may enter into the house, building or premises between the hours of nine o'clock in the forenoon and five o'clock in the afternoon making as little disturbance and inconvenience as possible and may remove and take away any pipe, meter, cock, branch, lamp, fitting or apparatus the property of and belonging to the company; and any servant duly authorised by the company may between the hours aforesaid enter any house into which gas, water, electricity or telephone system has been taken or supplied for the purpose of repairing and making good any such house, building or premises or for the purpose of examining any meter, pipe, wire, conductor, apparatus or fitting belonging to the company or used for its gas, water, electricity or telephone; and if any person refuses to permit or does not permit the servants and officers of the company to enter and perform the acts aforesaid the person so refusing or obstructing shall incur a penalty to the company for every such offence not exceeding \$20 and a further penalty not exceeding \$4 for every day during which such refusal or obstruction continues to be recovered with costs on summary conviction. C.O., c. 61, s. 102.

22. Where a customer discontinues the use of the gas or water or electricity or telephone furnished or supplied by any company or the company lawfully refuses to continue any longer to supply the same the officers and servants of the company may at all reasonable times enter upon the premises in or upon which such customer was supplied with gas or water or electricity or telephone for the purpose of removing therefrom any fitting, machine, apparatus, meter, pipe, wire, conductor or other thing being the property of the company in or upon such premises and may remove the same therefrom doing no unnecessary damage. C.O., c. 61, s. 102.

23. Subject to the provisions of Section 12 hereof any company deeming it necessary or proper to conduct any of its pipes, wires or conductors or to carry any of the works of the

Arbitration
where private
property
required

company through the lands of any person lying within or within ten miles of the municipality within which the operations of the company are to be carried on and the consent of such person cannot be obtained for that purpose the company shall proceed to arbitration under the provisions of *The Arbitration Ordinance*; such arbitration to be by two arbitrators one to be appointed by each party.

(2) The arbitrators shall determine the questions in dispute between the parties to the arbitration and shall decide as to the necessity or propriety of conducting any of the pipes, wires or conductors or carrying any of the works of the company through the lands of the other party to the arbitration if such party objects to the same being done and if such decision be in favour of the company or if no such objection is made shall adjudge what sum of money shall be paid to the owner of the property to be taken or used for the aforesaid purposes or any of them. C.O., c. 61, ss. 104, 105, 106, 107.

1901

CHAPTER 22.

An Ordinance respecting Foreign Companies.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as "*The Foreign Companies*"
Ordinance." Short title

INTERPRETATION.

2. In the construction of this Ordinance and of any rules or Interpretation forms made in pursuance thereof:

1. "Foreign Company" shall mean any company or association incorporated for the purpose of carrying on any business to which the legislative authority of the Legislative Assembly of the Territories extends otherwise than by or under the authority of an Ordinance of the Territories;

2. "Registrar" shall mean registrar of joint stock companies and shall include a deputy registrar and an acting registrar;

3. "Charter" shall mean the Statute, Ordinance or other provision of law by or under which a foreign company is incorporated and any amendments thereto applying to such company, the memorandum of association or agreement or deed of settlement of company and the letters patent or charter of incorporation and the licence or certificate of registration of the company as the case may be;

4. "Charter and regulations" shall mean the charter and the articles of association and all bylaws, rules and regulations of the company and all resolutions and all contracts relating to or affecting the capital and assets of the company;

5. "Court" shall mean the supreme court of the North-West Territories;

6. "Judge" shall mean judge of the said court.

3. No foreign company having gain for its object or a part Foreign
of its object shall carry on any part of its business in the company to
Territories unless and until it shall have been duly registered become
and licensed under this Ordinance and unless such licence is in licensed
force.

(2) Any unlicensed foreign company carrying on business and any company, firm, broker or other person carrying on

business as a representative or on behalf of such unlicensed foreign company shall be liable on summary conviction to a penalty of \$50 for every day on which such business is carried on in contravention of this section and proof of compliance with the provisions of this section shall at all times be upon the accused.

(3) The taking orders for or the buying or selling goods, wares and merchandise by travellers or by correspondence if the company has no resident agent or representative and no office or place of business in the Territories the onus of proving which shall in any prosecution under this section rest on the accused shall not be deemed to be carrying on business under the meaning of this Ordinance.

Rights of
company
when licensed

4. Any foreign company may become registered and obtain a licence from the registrar authorising it to carry on its business or part thereof within the Territories on compliance with the provisions of this Ordinance and on payment to the registrar of such fees as may from time to time be prescribed by the Lieutenant Governor in Council; and shall subject to the provisions of its charter and regulations and to the terms of the licence thereupon have the same powers and privileges in the Territories as if incorporated under the provisions of *The Companies Ordinance*.

Procedure to
obtain licence

5. Before the issue of a licence to any foreign company the company shall file in the office of the registrar:

- (a) A true copy of the charter and regulations of the company verified in manner satisfactory to the registrar.
- (b) An affidavit or statutory declaration that the company is still in existence and legally authorised to transact business under its charter.
- (c) A copy of the last balance sheet of the company and auditor's report thereon or in the case of a company referred to in subsection (3) of section 8 hereof a duplicate of the last annual return in that subsection mentioned.
- (d) A duly executed power of attorney under its common seal approved by the registrar empowering some person therein named and residing in the Territories to act as its attorney for the purpose of accepting service of process in all suits and proceedings against the company within the Territories and of receiving all lawful notices and declaring that service of process in respect of such suits and proceedings and of such notices on the said attorney shall be legal and binding to all intents and purposes whatever and waiving all claims of error by reason of such service; and such company may from time to time by a new or other power of attorney executed and deposited as aforesaid

appoint another attorney within the Territories for the purposes aforesaid to replace the attorney formerly appointed.

6. If the registrar is satisfied that the company is one that should be registered he shall thereupon register the same and issue a licence which shall contain the corporate name of the company ; the place where the head office of the company is situate ; the place where the head office of the company in the Territories if any is situate ; the name, address and occupation of the attorney of the company ; and if it be a company having a capital divided into shares the amount of capital, the number of shares into which the same is divided and the amount of each share ;

(2) Such licence or notice hereof shall be published by the registrar at the expense of the company in two consecutive issues of the official gazette and of one newspaper published and circulating in or as near as possible to the place at which the head office of the company in the Territories if any is situate or if there be no such head office in the district wherein the company proposes to carry on business ;

(3) Notice in like manner and at the company's expense shall be published in the gazette as aforesaid of the appointment if any of a new attorney or of the ceasing of the company to carry on business.

7. The licence or any copy thereof certified under the hand and seal of the registrar or a copy of the gazette containing such licence shall be conclusive evidence of the due licensing of the company as aforesaid and of the contents of such licence.

8. A company licensed under this Ordinance shall on or before the first of March in each year during the continuance of such licence make a statement to the registrar verified by affidavit containing as of the thirty-first day of December preceding a summary of the following particulars :

- (a) The corporate name of the company ;
- (b) The manner in which the company is incorporated ;
- (c) The place where the head office of the company is situated ;
- (d) The place or places where or from which the undertaking of the company is carried on ;
- (e) The name, residence and post office address of the president, the secretary and the treasurer of the company ;
- (f) The name, residence and post office address of each of the directors of the company ;
- (g) The date upon which the last annual meeting of the company was held ;

- (h) The amount of the capital of the company and the number of shares into which it is divided;
- (i) The number of shares subscribed for and allotted;
- (j) The amount of stock if any issued free from call; if none is so issued the fact is to be stated;
- (k) The amount issued subject to call;
- (l) The number of calls made on each share;
- (m) The total amount of calls received;
- (n) The total amount of calls unpaid;
- (o) The total amount of shares forfeited;
- (p) The total amount of shares which have never been allotted or subscribed for;
- (q) The total amount for which shareholders of the company are liable in respect of the unpaid stock held by them.
- (r) In a concise form any further information respecting the affairs of the company as the directors may consider expedient.

(2) The summary in the next preceding subsection mentioned shall be verified by the affidavit of the president and secretary; or if there is no president or he is unable to make the same by the affidavit of the secretary and one of the directors; or if there is no secretary or he is unable to make such affidavit by the affidavit of the president and one of the directors; or if there is neither a president nor secretary or they are both unable to make such affidavit by the affidavit of two of the directors; and if the president or secretary does not make or join in the affidavit the reason therefor shall be stated in the substituted affidavit.

(3) The filing with the registrar of an annual return in the form and at the time and verified in the manner required by the provisions of sections 19 and 20 of *The Insurance Act* being Chapter 124 of the Revised Statutes of Canada shall relieve any company licensed under the said Act from compliance with the provisions of subsections (1) and (2) of this section.

(4) The registrar may at any time require the company to supply such further and other information as shall seem to him to be reasonable and proper.

(5) Any company making default in complying with the provisions of this section shall be liable on summary conviction to a penalty of \$20 for each and every day during which default continues; and every director, manager, secretary, agent, traveller or salesman of such company who transacts within the Territories any business whatever for such company shall be liable on summary conviction to a penalty of \$20 for each day upon which he so transacts such business.

(6) The statement or return required by this section shall be accompanied with the fee of \$5.

9. If the power of attorney hereinbefore prescribed becomes invalid or ineffectual for any reason or if other service cannot

be effected the court or judge may order substitutional service of any process or proceeding upon the company to be made by such publication as is deemed requisite to be made in the premises for at least three weeks in at least one newspaper; and such publication shall be held to be due service upon the company of such process or proceeding.

10. Any foreign company required by this Ordinance to obtain a licence shall not while unlicensed be capable of maintaining any action or other proceeding in any court in respect of any contract made in whole or in part in the Territories in the course of or in connection with business carried on without a licence contrary to the provisions of section 3 hereof.

(2) In any action or proceeding the burden of showing that it is licensed shall be upon the company.

11. Any foreign company licensed under this Ordinance may sue and be sued in its corporate name; and if authorised so to do by its charter and regulations may acquire and hold lands in the Territories by gift, purchase or as mortgagees or otherwise as fully and freely as private individuals; and may sell, lease, mortgage or otherwise alienate the same.

12. Every foreign company licensed as a company under this Ordinance shall subject to the provisions of its charter and regulations and of this Ordinance have and may exercise all the rights, powers and privileges by *The Companies Ordinance* granted to and conferred upon companies incorporated thereunder; and every such foreign company and the directors, officers and members thereof shall be subject to and shall subject as aforesaid observe, carry out and perform every act, matter, obligation and duty by *The Companies Ordinance* prescribed and imposed upon companies incorporated thereunder or upon the directors, officers and members thereof.

13. No licence fee shall be imposed by any municipal council upon any company licensed under this Ordinance.

14. Any foreign company holding a licence to carry on business in the Territories under the provisions of any Ordinance in that behalf on applying for a licence under this Ordinance shall not be required to file any documents directed to be filed by section 5 hereof which have already been filed or deposited by such company with any officer of the Territorial Government.

15. The Lieutenant Governor in Council may by an Order in Council notice of which shall be published in the gazette suspend or revoke the licence of any company which refuses or fails to keep a duly appointed attorney within the Territories or to comply with any provision of this Ordinance; and notwithstanding such suspension or revocation the rights of creditors of the company shall remain as at the time of such suspension or revocation.

(2) The Lieutenant Governor in Council may likewise by Order notice of which shall be published in the official gazette remove any such suspension or cancel any such revocation and restore any licence so suspended or revoked.

FORMS.

Lieutenant Governor may alter forms

16. The Lieutenant Governor in Council may prescribe and from time to time alter forms of licences, powers of attorney, applications, statements, returns and other documents relating to applications and other proceedings under this Ordinance.

Ordinance not to apply to Hudson's Bay Co.

17. This Ordinance shall not apply to the corporation known as "The Governor and Company of Adventurers of England trading into Hudson's Bay."

REPEAL.

Repeal

18. Chapter 63 of *The Consolidated Ordinances 1898* intituled *An Ordinance respecting Foreign Corporations* and Chapter 18 of the Ordinances of 1900 amending the same are hereby repealed.

Commencement

19. This Ordinance shall come into force on the first day of October, 1901.

1901

CHAPTER 23.

An Ordinance to amend Chapter 70 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting Municipalities."

[*Assented to June 12, 1901.*]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Sections 47 to 53 inclusive of *The Municipal Ordinance* Sections 47 to 53 repealed are hereby repealed.

2. Clause 22 of section 95 of the said Ordinance is hereby Clause 22 of section 95 amended amended :

1. By inserting after the word "contracting" where it first occurs therein the following words "subject to ratification by the ratepayers as provided in Part V of this Ordinance in the case of bylaws for creating debts," and

2. By striking out the word "ten" where it first occurs therein and substituting therefor the word "twenty".

3. Clause 40 of said section 95 is hereby amended by adding Clause 40 of section 95 amended at the beginning thereof the words "Making loans or".

4. Section 109 of the said Ordinance is hereby amended by Section 109 amended striking out the word "before" where it occurs therein and substituting therefor the words "within one month after".

5. Section 128 of the said Ordinance is hereby amended by Section 128 amended striking out the words "and statement attached" where they occur therein.

6. Section 201 of the said Ordinance is hereby amended by Section 201 amended inserting after the word "effect" where it secondly occurs therein the words "upon confirmation of the sale by a judge".

7. Section 202 of the said Ordinance is hereby amended by Section 202 amended striking out all the words therein after the word "Crown" where it secondly occurs therein and substituting therefor the following subsection :

(2) After the expiration of one year from the date of any such transfer the sale and transfer may be set aside only upon its being shown either :

1. That there has been fraud or collusion; or
2. That all taxes have been paid; or
3. That the land was not liable to assessment.

Section 215
amended

8. Section 215 of the said Ordinance is hereby amended by inserting after the word "for" where it first occurs therein the words "making loans or".

Section 218
amended

9. Section 218 of the said Ordinance is hereby amended by adding thereto the following proviso:

"Provided that the form of the said debenture may be so amended as to permit of each instalment of principal and interest being equal if the bylaw provides for repayment in equal instalments of principal and interest."

Section 230
repealed

10. Section 230 of the said Ordinance is hereby repealed; and no bylaw referred to in the said section heretofore passed shall require the assent of the Lieutenant Governor in Council if such assent has not already been given.

ERECTION OF VILLAGES INTO TOWNS.

Census may
be taken

11. A census of any village may at any time be taken under the authority of a resolution of the ratepayers passed at the annual village meeting or at any other meeting of the ratepayers specially called for that purpose.

Necessary
population for
incorporation
as town

12. In case it appears by the census return taken under such bylaw or any statute that a village contains over four hundred inhabitants the village may be erected into a town municipality subject to the provisions hereinafter contained.

Resolution of
village

13. No village shall be erected into a town municipality unless and until a resolution has been approved by two-thirds of the ratepayers voting thereon at a meeting specially called for the purpose.

(2) The said resolution shall state limits of the proposed town which may include additional lands adjacent to the village.

Notice to be
posted

14. The overseer of the village shall upon the passing of such resolution post up a notice in five public places in the village and insert the same in two consecutive issues of the official gazette and in four consecutive weekly issues of a newspaper published in or nearest to the village setting forth in the notice the intention of the overseer to apply on behalf of the village to the Lieutenant Governor for the erection of

the village into a town municipality and stating the limits intended to be included therein.

15. At any time not less than one month nor more than two months after the last publication of the said notice the overseer may apply to the Lieutenant Governor for the erection of the village into a town municipality and shall with the application furnish satisfactory proof of the census, resolution and publication and posting of notice aforesaid and thereupon the Lieutenant Governor may by proclamation erect the village into a town municipality by a name to be given thereto in the proclamation.

16. The Lieutenant Governor may include in the new town any lands not included in the village but adjacent thereto and within the limits mentioned in the aforesaid notice.

17. From and after the erection of any village into a town municipality as hereinbefore provided all of the provisions of the said Ordinance applying to town municipalities shall apply thereto.

18. The Lieutenant Governor may in his proclamation hereinbefore mentioned appoint a returning officer to hold the first election of mayor and councillors for the town municipality and for the purposes of such election the provisions of *The Municipal Ordinance* as to elections generally shall as far as they are applicable also apply and the mayor and council elected at such election shall hold office for the remainder of the then current year unless such election should be after the first day of November in which event they shall hold office till the end of the next following year.

19. The persons qualified to vote at the first election of mayor and councillors shall be all owners or occupants of land within the limits of the town municipality of the full age of twenty-one years who have owned or occupied such land for a period of at least three months prior to such election but before being allowed to vote each voter shall make and subscribe before the returning officer a declaration in the form A in the schedule hereto.

20. Any person signing a declaration mentioned in the next preceding section containing a false statement shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$50 and costs.

21. The returning officer shall be the secretary treasurer for the said town municipality and shall hold office until his successor is appointed by the council.

Overseer to
deliver
property to
secretary
treasurer

22. All books, accounts, records, lists, vouchers, moneys and all other property of the village together with the auditor's report required by *The Village Ordinance* shall forthwith on demand of the secretary treasurer be delivered by the person last holding office as overseer of the said village to the said secretary treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of such overseer.

Certain
provisions of
Village
Ordinance to
be bylaws

23. All provisions of *The Village Ordinance* and amendments respecting the prevention of disease and fire, billiard and dog licences, licensing travelling showmen and entertainers, hawkers and pedlers and animals running at large and all regulations made thereunder having force and effect in the village at the date of its erection into the town municipality, all provisions for the collection of such licence fees and all penalties for the infraction of any of the said provisions or regulations shall continue in full force in the town municipality as bylaws of the said town municipality until amended or repealed by bylaws passed by the council.

Village taxes
to be paid
to town

24. All taxes due to the village shall on its erection into a town municipality be deemed to be arrears of taxes due to such municipality and the provisions of the said Ordinance relating to arrears of taxes and the collection thereof shall apply thereto.

Suits and
rights of
action and
liabilities
continued

25. All suits and rights of action by or against the village shall after its erection into the town municipality be continued or maintainable by or against the town municipality and all debts and liabilities of the village be assumed and paid by the town municipality.

Title to
property of
village to pass
to town

26. The title to and all rights in respect of any real estate or other property of the village shall be vested in the town municipality upon the erection of the village into a town municipality.

Ordinance to
be read with
Municipal
Ordinance
Short title

27. This Ordinance shall be read with and form part of *The Municipal Ordinance* and may be cited as *The Municipal Amendment Ordinance 1901*.

SCHEDULE

FORM A.

I, A.B., hereby declare that I am of the full age of twenty-

one years and have owned or occupied land situate within the limits of the town of for a period of at least three months immediately prior to the date of this election.

.....
Voter.

.....
Returning Officer.

1901

CHAPTER 24.

An Ordinance respecting the exemption from taxation of Beet Sugar Factories.

[Assented to June 12, 1901.]

WHEREAS it is desirable to promote the settlement of vacant lands in the Territories and to induce immigration by encouraging the establishment of factories for the conversion of beets into sugar;

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

No assessment to be made by any municipality etc., hereafter incorporated for 20 years

1. No assessment shall be made or levied by any municipality, town or village or other corporation possessing powers of taxation or assessment that may be incorporated, established or erected after the passing hereof upon any buildings, machinery, pipes or conduits or works of any kind actually in use and required for or in connection with the crushing or reducing of beets or their conversion into sugar or other saccharine products until the expiration of twenty years from the date on which this Ordinance shall come into force.

Not to affect existing municipalities etc.

2. Nothing in this Ordinance shall be construed as affecting or curtailing any power of assessment or taxation now possessed by any municipality, town or village or other corporation incorporated, established or erected at the date of coming into force of this Ordinance.

1901

CHAPTER 25.

An Ordinance respecting Villages.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The Village Ordinance.*" Short title 1900, c. 25, s. 1.

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires— Interpretation

1. The expression "village" means and includes any village "Village" now existing as such and any village hereinafter organised under the provisions of this Ordinance;

2. The expression "commissioner" means the commissioner ^{"Commiss-} _{ioner"} of public works for the Territories;

3. The expression "person" includes corporation, joint stock "Person" company and partnership;

4. The expression "overseer" means the overseer of a village "Overseer" duly elected or appointed under the provisions of this Ordinance;

5. The expression "ratepayer" means and includes: "Ratepayer"

(a) For the purpose of the first election of an overseer and until the completion of the first revised assessment list, any person over the age of twenty-one years who has owned or occupied land within the village for a period of three months immediately prior to the date of such election;

(b) After the completion of the first revised assessment list, any person over the age of twenty-one years whose name appears on the then last revised assessment list of the village and who has paid all taxes due by him to the village. 1900, c. 25, s. 2.

ESTABLISHMENT OF VILLAGES.

3. Whenever the commissioner is satisfied by such proof as he may require that any portion of the Territories comprising an area not greater than twelve hundred and eighty acres no

Notice of
intention to
establish
village

part of which is within the limits of a municipality contains not less than fifteen dwelling houses, he may cause notices to be posted up in three conspicuous places within such area one of which shall be the post office therein if there be one that it is proposed to establish the same as a village after the expiration of thirty days from the date of such posting. 1900, c. 25, s. 3.

**Establishment
of village**

4. After the expiration of the said thirty days the Lieutenant Governor in Council may by Order establish the said area as a village under the name of the post office therein or such other name as may be deemed suitable, define its boundaries, fix a day for the election of an overseer and appoint a suitable person to act as returning officer at the election of an overseer. 1900, c. 25, s. 4.

OVERSEER.

**Election
of overseer**

5. The first election of overseer and all later elections shall be conducted as follows:

1. The returning officer shall by public notice posted in the post office if there be one and in two other conspicuous places in the village at least one week before the election call a meeting of the ratepayers for the election of an overseer to be held on the day fixed therefor;

2. Election meetings shall commence at the hour of seven o'clock in the evening of the day appointed or if such be a Sunday or a holiday on the next following day which is not a Sunday or a holiday;

3. Nomination shall be made during the first hour of the meeting;

4. Male ratepayers and no other persons shall be eligible for election as overseer;

5. When the time for nomination has closed—

(a) If only one person has been nominated the returning officer shall declare such person to be elected overseer;

(b) If more than one person have been nominated the returning officer shall at once proceed to take the vote of the ratepayers present which shall be by open voting;

(c) The poll shall close at midnight unless prior thereto fifteen minutes shall have elapsed after any vote has been polled without any other vote being tendered in which event the poll shall close at the expiration of said fifteen minutes.

6. Every person tendering his vote at the first election of an overseer shall before his vote is received make and sign before the returning officer a declaration in form A in the schedule hereto;

7. At subsequent elections of an overseer the returning officer shall satisfy himself that the name of every person who tenders a vote is entered on the then last revised assessment list of the village and that all taxes due by such person to the village have been paid; and to enable him so to do the overseer shall not later than six o'clock in the afternoon of the day of such election furnish him with a certified copy of such assessment list showing thereon the names of all ratepayers whose taxes are not paid in full;

8. The returning officer shall declare elected the nominee having the largest number of votes;

9. In case of an equality of votes the returning officer shall give the deciding vote but shall not vote otherwise. 1900, c. 25, s. 5.

6. Any person wilfully making a false declaration as a penalty for voter shall be guilty of an offence and liable on summary ^{false} declaration conviction to a penalty not exceeding \$25. 1900, c. 25, s. 6.

7. The returning officer shall make a return to the com- ^{Return of} missioner showing the result of the election and shall send ^{election} therewith the declaration if any signed by the voters and his own declaration in form B in the schedule hereto. 1900, c. 25, s. 7.

8. The person elected as overseer shall within five days or ^{Overseer's} such period as may be determined by the commissioner after ^{bond} the declaration of his election deliver to the returning officer the bond of sufficient sureties in form C in the schedule hereto with an affidavit of justification indorsed thereon or the bond of a guarantee company for \$1,000 to be approved by the commissioner. 1900, c. 25, s. 8.

9. Until such bond is furnished the person elected shall not ^{Overseer not} act as overseer. 1900, c. 25, s. 9. ^{to act till} ^{bond given}

10. If such bond is not delivered to the returning officer ^{New election} within the time mentioned in section 8 hereof he shall proceed ^{if bond not} furnished to hold another election as soon as may be consistent with the giving of notice as herein provided.

(2) At the election so to be held the person making default in delivering such bond shall not be eligible for election.

(3) The previous election shall become void on the election of another person under this section.

(4) Immediately on receipt of the bond the returning officer shall transmit it to the commissioner.

(5) If a person is elected overseer in the place of one who has failed to furnish a bond the provisions of this and the two preceding sections shall be observed and followed as if he had been elected in the first instance. 1900, c. 25, s. 10.

Overseer's term of office

11. The first overseer elected in any village shall enter on his duties at once after furnishing his bond and shall hold office for the remainder of the calendar year in which he is elected and until his successor has furnished his bond.

(2) The overseer elected at elections subsequent to the first election shall hold office for the remainder of the calendar year ensuing the furnishing of the bond required by section 8 hereof and until his successor has furnished his bond.

(3) In case of a vacancy occurring in the office of overseer the commissioner may order another election or appoint an overseer for the unexpired term, in which latter case the commissioner may dispense with the overseer's bond otherwise required.

(4) In the case of any failure on the part of the ratepayers to elect an overseer the commissioner may appoint such person as he may see fit as overseer of the village; and notice of the appointment of such person shall be published in the official gazette. 1900, c. 25, s. 11.

Removal of overseer by commissioner

12. The commissioner may if he sees fit remove any overseer from his office and appoint an overseer in his stead; and such last mentioned overseer shall have all the powers of the overseer and such other powers in regard to the conduct of the village affairs as may by the commissioner be deemed proper and necessary. 1900, c. 25, s. 12.

Subsequent election of overseer

13. The election for overseer subsequent to the first shall be held in each village on the second Monday in December in each year; and for the purpose of such election the overseer shall appoint in writing at least two weeks before the said date a returning officer; and should the person so appointed decline or become unable to act the overseer shall forthwith appoint another in his stead.

(2) The returning officer shall receive a fee of \$3.

(3) At the meeting for the election of an overseer and before the overseer is elected the retiring overseer shall present to the meeting a properly audited statement of the accounts of the village for the current year up to the date of such meeting. 1900, c. 25, s. 13.

Disputed election

14. Whenever the election of an overseer is disputed the commissioner may upon the receipt of a complaint of any ratepayer verified by the solemn declaration of the complainant and two other ratepayers and accompanied by a deposit of \$25 investigate the matter and render such decision in and about the same as shall to him appear proper:

(2) The decision of the commissioner shall be final and shall be observed and obeyed by all persons concerned.

(3) Any person disobeying any such decision shall be liable on summary conviction thereof to a penalty not exceeding \$50.

(4) After the commissioner has given his decision he shall make such disposition of the said deposit of \$25 as to him shall seem meet. 1900, c. 25, s. 14.

MEETINGS OF RATEPAYERS.

15. An annual business meeting of the ratepayers shall be held in the village before the fifteenth day of April in each year ; which meeting shall be called by the overseer who shall give notice thereof for the period and in the manner required for election meetings. 1900, c. 25, s. 15.

16. The overseer shall at the annual village meeting submit to the ratepayers a statement of the estimated total expenditure of the village for the current year which shall include—^{Overseer's statement}

- (a) The amount payable in such year on any debt contracted hereunder ;
- (b) The amount necessary to complete works in course of construction and necessary repairs to existing works ;
- (c) Drainage and street improvements ;
- (d) Construction of sidewalks ;
- (e) Fire protection and water supply ;
- (f) Purchase of property for village purposes ;
- (g) Scavenging ;
- (h) Contingencies ;
- (i) Remuneration of overseer. 1900, c. 25, s. 16.

17. At the annual meeting the order of business shall be as nearly as possible as follows :^{Order of business}

1. The election of a chairman and secretary ;
2. The reading and dealing with—
 - (a) The minutes of last meeting ;
 - (b) The overseer's return provided for in section 47 hereof ; and
 - (c) The auditor's report ;

3. The consideration of the overseer's statement of estimated expenditure and deciding thereupon :

Provided that the sum appropriated for contingencies under the provisions of this section shall not in any case be less than ten per centum of the total amount of approved expenditure.

4. Such other general business as may concern the village but not exceeding the powers given herein. 1900, c. 25, s. 17.

18. The ratepayers may at the annual meeting or at a special meeting duly called for the purpose in addition to their other powers make regulations further than those herein ^{Regulations by ratepayers}

contained for the general cleanliness of and prevention of disease in the village including the employment and remuneration of a scavenger; and also for the protection of property from fire; and may make regulations for a rebate of taxes to any ratepayer in consideration of the planting of trees on the property of such ratepayer or on any street in front of such property. 1900, c. 25, s. 18.

Special meetings

19. The overseer whenever he deems fit may or upon being requested to do so by any five ratepayers in writing giving the object of the meeting shall call a special meeting of the ratepayers.

(2) Notice of special meetings shall be given as in the case of the annual meeting, but such notice shall also state the purpose of the meeting. 1900, c. 25, s. 19.

ASSESSMENT AND TAXATION.

Revenue how raised

20. The necessary revenue of the village shall except in the cases hereinafter provided for be raised by the levy of a yearly rate upon the property not exempt from taxation therein not exceeding ten mills on the dollar of the assessed value. 1900, c. 25, s. 20.

Assessment

21. The overseer shall forthwith after his election if he is the first overseer and in other cases immediately after the annual meeting assess all real and personal property in the village not exempt from taxation as hereinafter provided; and shall prepare an assessment list showing the name of each person assessed, the property in respect of which he is assessed and the assessed value.

(2) The ratepayers may at the annual meeting instruct the overseer for the purpose of such assessment to use the assessment roll of any school district within or partially within the village limits in so far as the same is applicable.

(3) If any property which should have been assessed has been omitted from the assessment list the overseer shall upon discovery of such omission if within one month from the mailing of a notice of such assessment as herein provided assess such property and make the necessary additions to the assessment list. 1900, c. 25, s. 21.

Exemptions

22. The property exempt from taxation under the provisions of this Ordinance shall be—

1. All the property held by His Majesty or specially exempted by the Parliament of Canada or for the public use of the Territories;

2. All property held by or in trust for the use of any tribe of Indians;

3. Where any property mentioned in either of the two preceding clauses is occupied by any person otherwise than in

an official capacity the occupant shall be assessed in respect thereof but the property itself shall not be liable;

4. The buildings and grounds to the extent of two acres of all schools organised under *The School Ordinance* and the personal property belonging to the same being used for school purposes;

5. Any building used for church purposes and not used for any other purpose for hire or reward and the lot or lots whereon it stands not exceeding one-half acre, except such part as may have any other building thereon;

6. Any land in use as a public cemetery not exceeding twenty-five acres;

7. The annual income of any person derived from any source;

8. Grain, hay, household effects of every kind, books and wearing apparel;

9. The increase in the value of the land by reason of the annual cultivation thereof together with the growing crops or by reason of the cultivation of trees;

10. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act 1898*:

Provided however that should any such works and ditches be not operated during one year then such works and ditches shall not be exempt from taxation during the year following that in which said works were not operated. 1900, c. 25, s. 22.

23. The overseer shall upon completion of the assessment list mail to or leave at the usual or last known place of abode ^{Notice of assessment} of each person assessed written notice in form D in the schedule hereto of the property in respect of which he is assessed and the amount; and shall make a note on the assessment list; opposite the name of each person stating the manner and date of giving notice. 1900, c. 25, s. 23.

24. The overseer shall forthwith after the assessment make ^{Oath of assessment} oath that such assessment was truly and honestly made and that the notices were given as stated in the assessment list; and such assessment list when verified by such oath shall be *prima facie* evidence that the assessment was duly made and that the notices were duly given. 1900, c. 25, s. 24.

25. Any ratepayer or person assessed may within fifteen days after the mailing or delivery of the notice appeal to a justice of the peace residing within the village or one residing nearest thereto from such assessment; and the justice shall fix a time within two weeks from the last day for giving notice and a place for hearing appeals; and all appeals shall be determined within one week after the time fixed for hearing ^{Appeal from assessment}

them ; and the overseer shall amend his assessment if necessary in accordance with the decision of the justice.

(2) Notice of appeal (stating the grounds thereof and the time and place fixed by the justice for hearing the same) shall be given in writing by the appellant to the overseer and any other person affected.

(3) Any justice of the peace who shall hear an appeal as provided in this section shall be entitled to receive from the funds of the village payment for his services at the rate of \$2 per day while engaged in hearing such appeals. 1900, c. 25, s. 25.

Rate of assessment

26. After the assessment has been completed and the appeals, if any, disposed of, the overseer shall strike such a rate not exceeding the amount mentioned in sections 20 or 36 respectively hereof as shall be sufficient to raise the amount of the estimated expenditure, making allowance for losses which may occur in the collection of taxes on the lands of non-residents :

Provided that the taxes of any person assessed shall not be a less sum than one dollar. 1900, c. 25, s. 26.

Tax list

27. The overseer shall then prepare a tax list in which he shall set down the name of every person assessed, the assessed value of his property and the taxes payable by him as computed at the rate arrived at as hereinbefore provided ; he shall then mail to or leave at the last known place of abode of each such person a notice in form E in the schedule hereto, stating the amount due by him and the property in respect of which it is due ; the overseer shall make a note on the tax list opposite the name of each such person stating the manner and date of giving the notice and shall make oath that the tax list is correct and that the notices were given as therein stated ; such oath shall be indorsed on the tax list and shall be *prima facie* evidence of the truth of the statements contained in it.

(2) The overseer shall note on the tax list all payments of taxes against the lands for which such payments are made together with the date of such payments. 1900, c. 25, s. 27.

Notice of assessment when owner unknown

28. If the name of the owner of any property in the village be not known to and cannot be ascertained by the overseer, the notice of assessment and taxes shall be posted securely in the post office if any or if there be no post office then in a conspicuous place in the village, and such posting shall be deemed due service. 1900, c. 25, s. 28.

Distress for taxes

29. In case any person neglects to pay his taxes for thirty days after such notice as aforesaid, the overseer shall by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same wherever they may be found in the village or of any goods and chattels found on the premises the property of or in the possession of any other occupant of the premises ; and may

impound the same on the premises where distrained ; and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of the sale thereof. 1900, c. 25, s. 29.

30. Taxes may be recovered with costs as a debt due to the overseer in which case the production of the tax list verified by the oath of the overseer shall be *prima facie* evidence of the debt. 1900, c. 25, s. 30.

31. The taxes accruing upon or in respect of any land in the village shall be a special lien upon such land and have priority over any claim, lien, privilege or incumbrance thereon. 1900, c. 25, s. 31.

DOG LICENCE.

32. Every person who keeps or harbours any dog or bitch shall pay a yearly licence fee of \$1 for each dog and \$2 for each bitch so kept or harboured ; which fee shall be payable on demand of the overseer ; and may be recovered in such mode herein provided for the collection of taxes as may be applicable ; and if not paid after demand by the overseer he shall cause the dog or bitch to be destroyed.

(2) Any person refusing or neglecting to pay such licence fee shall on summary conviction thereof be liable to a penalty of \$2. 1900, c. 25, s. 32.

HAWKERS AND PEDLERS.

33. No person shall follow the calling of a hawker or pedler in any village without first having obtained the written permission of the overseer and having paid to such overseer the sum of \$10 to form part of the village fund.

(2) Such sum shall be in addition to any Territorial licence fee and when such Territorial licence fee is paid shall entitle the person paying the fee to follow the business of a hawker or pedler in such village for the remainder of the current calendar year. 1900, c. 25, s. 33.

TRAVELLING COMPANIES.

34. The ratepayers may decide by resolution passed at the annual or any other meeting of the village as herein provided that no travelling theatre, concert or amusement company, entertainer or showman shall hold any performance or exhibition in any village without having previously paid to the overseer thereof for the benefit of the village the licence fee fixed at such meeting for which fee the overseer shall give a written receipt ; and if such company, entertainer or showman proceed to hold any performance or exhibition without having paid such fee the same may be levied by the overseer or any

person authorised by him by distress and sale of any goods in possession of such company, entertainer or showman. 1900, c. 25, s. 34.

BILLIARD TABLES.

Billiard licence

35. No person shall have set up in any public room or hall in a village any billiard or pool table without having paid to the overseer for the use of the village the licence fee following, that is to say: For a single billiard or pool table, \$10; and for every additional table, \$5; and any person guilty of an infraction of this section shall on summary conviction thereof be liable to a penalty not exceeding \$25. 1900, c. 25, s. 35.

SINGLE TAX.

Land assessment system

36. If two-thirds of the total number of ratepayers in any village petition the commissioner therefor, the commissioner may order that the assessment in the village shall after a date to be fixed by him be limited to an assessment based upon the actual value of all lands in the village exclusive of the improvements thereon.

(2) Such petition shall be accompanied by an affidavit of two ratepayers proving the signatures to the petition and that the persons who signed the same constitute two-thirds of such total number of ratepayers.

(3). The fact of such order having been made shall be conclusive evidence that a proper and duly verified petition was presented therefor.

(4) In case such an order is made the rate to be struck by the overseer under section 26 of this Ordinance shall not in any year after the date so to be named by the commissioner exceed two cents on the dollar of the assessment:

Provided that the taxes of any person assessed shall not in any case be a less sum than one dollar. 1900, c. 25, s. 36.

Assessment every two years

37. In villages within which a single tax as provided in the next preceding section is ordered by the commissioner as herein provided, an assessment shall be made only once in every two years and notice of such assessment shall be given only at the time of completing a new assessment list:

Provided however that during the interim between any two assessments the overseer may add new names to the assessment list or change names when necessary to do so to provide for changes in the ownership of property entered on such list.

(2) In cases where new names are added to the assessment list under authority of the preceding subsection, the provisions of sections 23, 24 and 25 of this Ordinance regarding notice, verification and appeal from assessment shall apply. 1900, c. 25, s. 37.

VILLAGE EXPENDITURE.

Expenditure by overseer

38. The funds of the village shall be deposited in a

chartered bank or in any other bank agreed upon at the annual meeting if there is no chartered bank in the village to the credit of the overseer in his official capacity; and shall from time to time be expended by the overseer by the issue of cheques against such bank account for the purposes of and in accordance with the estimates approved at the annual meeting subject to such further directions as may at any special meeting be made regarding the same. 1900, c. 25, s. 38.

39. The overseer may incur any debt not exceeding \$100 for any of the purposes specified in the estimated expenditure approved at the annual meeting pending the collection of taxes; but all debts shall subject to the provisions herein contained be paid before the second Monday in December in each year. 1900, c. 25, s. 39.

40. On petition of a majority of the resident ratepayers the signatures to which petition shall be verified by statutory declaration the commissioner may authorise the overseer to incur a debt on behalf of the village not exceeding \$1,000; but the amount of any such debt shall not in any case exceed ten per centum of the total value of property in the village as shown by the then last revised assessment list.

(2) The sum so authorised shall be expended on permanent improvements in the village; and shall be fully repaid within ten years from the date of contracting said debt; and the moneys payable in each year on any such debt shall be a first charge on the taxes collected in the village during such year. 1900, c. 25, s. 40.

(3) The sum so authorised shall be repaid in equal annual sums and a proper debenture or debentures therefor shall be signed by the overseer in form F in the schedule hereto.

41. The commissioner may appoint such person or persons as he may see fit to inspect and report on the condition of any and all improvements in the village, the tools, implements or other property owned by the village, and to audit the books of the overseer of the village. 1900, c. 25, s. 41.

42. On petition of a majority of the resident ratepayers the commissioner may authorise the overseer out of the funds of the village to acquire on behalf of the village by purchase or lease suitable grounds for recreation purposes or for the purpose of depositing garbage or other refuse of the village. 1900, c. 25, s. 42.

43. The commissioner may authorise the overseer out of the funds of the village to acquire on behalf of the village by purchase or lease the land required for cemetery purposes.

(2) The ratepayers may at the annual meeting of the village or at any special meeting called for the purpose adopt rules and regulations not inconsistent with the provisions of *The*

Cemeteries Ordinance for the control and management of the cemetery acquired by the village.

SUITS BY OR AGAINST VILLAGE.

Suits by or
against
village

44. Suits by or against the village may be brought by or against the overseer as representing the village. 1900, c. 25, s. 43.

Enforcement
of judgment
against village

45. In the event of judgment being obtained against the overseer for any liability of the village execution may issue and be enforced by execution rate levied by the sheriff in the manner provided for execution against a municipality in *The Municipal Ordinance*. 1900, c. 25, s. 44.

OVERSEER'S DUTIES AND POWERS.

Duties and
powers of
overseer

46. The overseer shall have the following duties and powers :

1. He shall carry out the orders of the ratepayers in respect of public works and expenditure of village funds and such general orders consistent with the provisions of this Ordinance as may be given upon matters concerning the village;

2. He shall enforce the provisions of this Ordinance and all regulations made thereunder;

3. He shall make such regular inspection of premises in the village as may be necessary to carry out the provisions herein respecting nuisances and the prevention of disease and fire;

4. He shall have charge of all village property ;

5. He shall keep a record of all taxes levied and collected and of all monies received and expenditures made by him and shall give and take proper receipts for all money received or paid as the case may be ;

6. He shall keep the books and accounts of the village open for the inspection of the ratepayers at all reasonable hours upon their giving him timely notice ;

7. He shall keep or cause to be kept full and accurate minutes of each village meeting other than election meetings which minutes shall record the names of the movers and seconds of all motions and state whether such motions were carried or lost ;

8. He shall have the public improvements directed to be made in each year completed before the first day of November in such year ;

9. He shall on application in reasonable hours produce to the auditor for inspection all books, accounts, minutes, lists and other records of the village ;

10. He shall impound or cause to be impounded animals unlawfully running at large ;

11. He shall have the powers of a constable in enforcing the provisions of this Ordinance. 1900, c. 25, s. 45.

ANNUAL RETURNS OF OVERSEER.

47. The overseer shall on or before the first day of December ^{Annual return by overseer} in each year render to the commissioner a return in writing showing—

- (a) Amount of money collected and by whom paid;
- (b) The amount expended and for what purposes showing balance on hand;
- (c) The outstanding liabilities if any of the village;
- (d) The names of all those who have been convicted for a breach of this Ordinance or of any of the regulations made hereunder in his village, stating the penalty imposed and the name of the convicting justice;
- (e) A copy of the auditor's report.

(2) The overseer shall transmit a copy of such return to the ratepayers as hereinbefore provided and also at the annual meeting. 1900, c. 25, s. 46.

48. The overseer of every village shall in the first fifteen days of January in each year make a return verified by his solemn declaration to the commissioner in such form as may by the commissioner be from time to time prescribed showing all lands in the village upon which taxes have not been paid together with the years for which such taxes are due. ^{Return of unpaid taxes}

(2) The returns shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed.

49. On application by the Attorney General of the Territories or some advocate authorised by him to a judge of the supreme court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the village or if there be none published in the village then in a local paper published in the district to be named by the commissioner. ^{Confirmation of said return}

(2) A notice of the time and place fixed for confirmation of such return shall be sent by mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the

initials of the clerk of the local improvement branch of the Department of Public Works shall without proof of the appointment or signature of the said clerk be *prima facie* evidence that the required notice has been mailed.

Hearing application for confirmation

50. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the commissioner of the amounts named including expenses as aforesaid together with a redemption fee of \$1 for each and every parcel so redeemed and any subsequent taxes paid by the commissioner.

(2) For the purpose of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the commissioner.

(4) A copy of such adjudication certified by the commissioner shall be forwarded to the registrar of the land registration district in which the lands named in the adjudication or any of them are situated and such copies shall be notice to the public of the facts therein contained.

When overdue taxes paid before application for confirmation

51. If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 49 of this Ordinance pays the taxes upon such lands before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1 for each parcel of land to cover the costs of application to the judge and advertising and postage in connection with such proceedings; and any sum so paid shall form part of the Territorial revenue.

When title to land to vest in Crown

52. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or an advocate appointed by him and production of the last named adjudication together with the certificate of the commissioner

showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by or on behalf of the owner be absolutely vested in His Majesty freed from all liens, mortgages and encumbrances of whatever nature or kind the same may be.

53. So soon as the return of the overseer has been confirmed when the commissioner shall pay to the overseer the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay ; and thereafter yearly while owned by His Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual.

ANIMALS RUNNING AT LARGE.

54. The ratepayers may at any meeting make a regulation running at large of that animals or poultry shall not be permitted to run at large in the village or in any part thereof in or during any period of the year.

(2) Whenever the ratepayers have made such regulation no animal shall be permitted to run at large in the village contrary to the provisions of such regulation ; and it shall be the duty of the overseer to act as poundkeeper or appoint a poundkeeper whose duty it shall be to keep and maintain a pound in the village for the impounding of estray animals or poultry of the description aforesaid.

(3) In so far as they are not inconsistent herewith the provisions of *The Pound District Ordinance* shall apply and be followed and observed in all respects as if such village were a pound district under the said Ordinance, except that the fees payable under this section to the poundkeeper for the care and sustenance of each animal impounded for each day such animal is impounded shall be as follows :

For each stallion or bull thirty-five cents ;

For each horse, mule, jack, head of cattle or swine, twenty-five cents ;

For each sheep or goat, ten cents ;

For each head of poultry, two cents.

(4) The overseer shall when any such regulation is made as provided in this section notify the commissioner of agriculture of the same and give the name of the poundkeeper appointed by him. 1900, c. 25, s. 47.

PREVENTION OF DISEASE.

55. For the prevention of disease the following regulations shall be observed in each village :

Regulations for prevention of disease

1. Privy pits shall be emptied and disinfected with lime between the first day of April and the fifteenth day of November in each year ;

2. No privy pit shall be allowed to become offensive at any time;
 3. No privy pit shall be within fifty feet of any well;
 4. Where dry earth closets are ordered by resolution of a village meeting no privy shall be used;
 5. No person shall deposit or cause to be deposited in any place other than a stable yard any manure, filth, rubbish or decaying animal or vegetable matter;
 6. Stable yards shall be cleaned during the first week of every month from the first day of May until the seventh day of November in each year;
 7. All garbage, swill, slops, and other rubbish shall be placed in suitable receptacles and removed regularly every week between the first day of May and the first day of November in each year;
 8. No stable yard shall be allowed to become offensive at any time because of decaying animal or vegetable matter;
 9. No swine shall be kept except in pens at least one hundred feet distant from any occupied house or place of business;
 10. Swine pens shall be kept dry and free from offensive odour;
 11. Foul water shall not be allowed to accumulate on any property;
 12. No slaughter house shall be erected within the village except by authority of a resolution passed at a meeting of the ratepayers.
- (2) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10. 1900, c. 25, s. 48.

PREVENTION OF FIRE.

Regulations
for prevention
of fire

56. For the prevention of fire the following regulations shall be observed in each village:

1. No person shall keep on any premises a larger quantity of gunpowder or other explosive than twenty-five pounds unless it be stored at least one hundred feet from any building;
2. No person shall keep on any premises a greater quantity of kerosene than five barrels thereof unless it be stored at least sixty-six feet from any building;
3. No person shall have or erect on any premises any building built in whole or in part of manure, hay or straw or place on the roof of any building any manure, hay or straw unless such building be at least one hundred feet distant from any other building in which a fire is ever kindled;

4. No person shall have any stack of grain, hay or straw on any premises within one hundred feet of any building in which a fire is ever kindled;

5. No person shall enter any stable or barn with any candle or lamp not enclosed in a lantern or with a lighted pipe, cigar or cigarette;

6. No person shall set out fire within fifty feet of any building:

Provided that any blacksmith may build a fire within fifty feet of his shop for the purposes of his trade;

7. No person shall deposit ashes in any wooden container unless it be lined with metal;

8. All ovens and furnaces shall be properly connected with a chimney of brick, stone or concrete at least three feet higher than the building in which such oven or furnace is built;

9. There shall be a space of at least nine inches between any stovepipe and any partition or floor through which it passes unless such stovepipe be surrounded in such partition or floor by a thimble of brick, cement or concrete at least two inches in thickness and of the full depth of such partition or floor; and every such stovepipe shall be inserted into a chimney of brick, stone or concrete;

10. At least twelve inches shall intervene between any stove in use and the partition or wall nearest thereto;

11. Every proprietor or occupant of any house more than one storey high with a roof having a pitch greater than one foot in three shall keep a ladder on such roof near the chimney thereof.

(2) Any person contravening any of the provisions of this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$10. 1900, c. 25, s. 49.

REMUNERATION OF OVERSEER.

57. The remuneration of overseer shall be fixed at the annual meeting but shall not be more than \$100 nor less than \$15; together with $2\frac{1}{2}$ per centum of all taxes collected by him; and the overseer may retain his said remuneration at the expiration of his term of office out of the moneys then in his hands. 1900, c. 25, s. 50.

AUDIT, ETC.

58. At the expiration of the term of office of any overseer or upon his ceasing to hold office for any cause or at any other time that the commissioner may direct all books, accounts, records, lists, vouchers, moneys and other property of the village shall be examined by an official auditor appointed under the provisions of any Ordinance or by some qualified person appointed by the commissioner and handed over to the

successor in office of such overseer ; and the auditor shall make a full report of his examination and audit of all such books, accounts, records, lists, vouchers, and moneys transmitting one copy thereof to the commissioner and handing a second copy to the overseer to be presented to the ratepayers.

(2) For the purpose of such examination and report it shall be the duty of the auditor to—

1. Compare the overseer's statement with that of the previous year to see that the proper balances are carried forward ;

2. Compare the balance on hand as shown by the overseer's books with the balance in overseer's bank book and satisfy himself as to that balance being in bank at date of the audit ;

3. Compare the revised assessment roll and tax list with the overseer's statement of taxes received and taxes outstanding in respect of the year's assessment ;

4. Report the proof advanced by the overseer of the correctness of the statement of receipts from dog licences, hawker, peddler and billiard licences, travelling entertainers, fines and other sources of revenue ;

5. Ascertain whether authority existed for each payment made and obligation incurred and report particulars of any expenditure made by the overseer without authority of the annual meeting ;

6. Examine all vouchers and report all payments made for which detailed statements of account and receipts for payments have not been produced by the overseer ;

7. Ascertain the correctness of the overseer's inventory of village assets. 1900, c. 25, s. 51.

OFFENCES AND PENALTIES.

Penalties

59. Any overseer after accepting office neglecting or refusing to render a true and correct account as and when required herein or refusing or neglecting to hand over to his successor in office any property of the village as directed by the foregoing section shall be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding \$50.

(2) Any overseer after accepting office neglecting or refusing to discharge any other duty under this Ordinance shall be guilty of an offence and liable to a penalty not exceeding \$25.

(3) Any person contravening any provision of this Ordinance for which contravention no penalty is therein provided or any judgment, order or regulation given or made under this Ordinance shall be liable on summary conviction thereof to a penalty not exceeding \$25.

(4) Fines imposed for the contravention of this Ordinance or of any regulation made hereunder shall be paid to the overseer to form part of the village funds. 1900, c. 25, s. 52.

TITLE TO REAL ESTATE.

60. The title to any lands purchased or otherwise acquired on behalf of any village shall be vested in the commissioner who shall hold the same for the purposes of the village. 1900, c. 25, s. 54.

RULES AND REGULATIONS.

61. The commissioner may from time to time prescribe such rules, regulations and forms as may be deemed necessary for the proper carrying into effect of the provisions of this Ordinance.

ALTERATION OF BOUNDARIES

62. The Lieutenant Governor in Council may alter the boundaries of any village and add to or take from the area of the same. 1900, c. 25, s. 55.

NOTICE OF MEETINGS.

63. Any notice required by this Ordinance for calling meetings may be published in any newspaper published in the village in addition to being posted as elsewhere provided herein. 1900, c. 25, s. 56.

64. Chapter 25 of the Ordinances of 1900 is hereby repealed.

SCHEDULE.

FORM A.

I, A. B., hereby declare that I am of the full age of twenty-one years and have owned or occupied land within the village of _____ for a period of at least three months immediately prior to the date of this election.

FORM B.

Village of

I, _____ returning officer for the village of _____ make oath that the record of votes hereto attached signed by me is a true record of the votes given at the election of an overseer for the said village held on the day of _____, 19_____, when _____ was duly elected overseer of the said village.

Sworn before me at
this day of }
 1 }

FORM C

Know all men by these presents that we
of
and of
are held and
firmly bound unto His Honour the Lieutenant Governor of the
North-West Territories each in the sum of three hundred
dollars of good and lawful money of Canada to be paid by each
of us to the said Lieutenant Governor for which payment well
and truly to be made we severally bind ourselves and our
respective heirs.

to the office of overseer in the village of

Now the condition of this obligation is such that if the said _____ shall at all times until his successor in such office is duly appointed according to law, keep, fulfil, observe and comply with all and every provision of the said Ordinance to which the said

as such overseer is or shall be subject; and truly and faithfully whenever required by law so to do render account and delivery of all moneys and property of any nature which may or but for the default of the said

would have come into his hands as such overseer; and if the said in all respects faithfully performs his duty as such overseer in said village, then this obligation shall be void but otherwise shall remain in full force and virtue.

Dated the _____ day of _____ 1

Signed, sealed and delivered in }
the presence of } [Seal]
[Seal]

AFFIDAVIT OF JUSTIFICATION TO BE INDORSED ON BOND.

We, _____ and _____ the sureties in the
within bond named, do severally make oath and say as follows:

1. I, the said _____ for myself say that I am worth property situate in the North-West Territories to the value of three hundred dollars over and above what will pay all my just debts and over and above the exemptions allowed by law;

2. And I the said _____ for myself say that I am worth property situate in the North-West Territories to the value of three hundred dollars over and above what will pay all my just debts and over and above the exemptions allowed by law.

The above named
and were
severally sworn before me at
this
day of 1
N.P. or J.P.

FORM D.

Village of

NOTICE OF ASSESSMENT.

T₀

Take notice that you have been assessed the sum of \$.....
in respect of the following property for the year 19

Lot..... Block.....
Stock.....
Dog tax.....
.....
Total amount of assessment \$

Dated at this day of 19

.....
Overseer.
Mailed (or delivered) at this day
of 19

.....
Overseer.

Mailed (or delivered) at this day
of 19 .

.....
Overseer

FORM E.

Village of

STATEMENT AND DEMAND FOR TAXES.

To

Taxes on the undermentioned property are now due from you for the year 1.... to the amount stated hereunder.

	AMOUNT OF ASSESSMENT.	RATE OF ASSESSMENT.	AMOUNT OF TAXES DUE.
Lot....Block.... \$			
Stock.....			
Dog tax.....			

Total amount of taxes due \$
Dated at this day of
1,
Overseer.

Unless above taxes are paid within thirty days from date hereof, the same will be levied with costs by distress in accordance with the provisions of *The Village Ordinance* in that behalf.

FORM F.

CANADA: }

Village of

Debenture No.

The village of promises to pay to
the bearer at the Bank of
at the in the
Canada, the sum of dollars of lawful money of
Canada in equal annual instalments with interest at the
rate of per centum per annum in the manner specified
in the coupons attached hereto.

Approved.

Overseer.

Coupon No.

४

Debenture No.

The village of will pay to the
bearer at the at
on the day of 19the
sum of dollars being the
payment of interest with the total interest
at the rate of per centum per annum due on
that day on debenture No. .

Overseer.

(Similar coupons to be attached for each of the other payments of principal and interest due.)

1901

CHAPTER 26.

An Ordinance to Remove Certain Doubts as to the Effect of Chapter 17 of the Ordinances of 1899 intituled "An Ordinance to Amend Chapter 73 of the Consolidated Ordinances 1898 intituled 'An Ordinance Respecting Local Improvement.'"

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. It is hereby declared to have been the intention of chapter 17 of the Ordinances of 1899 that the provisions of the *Local Improvement Ordinance* requiring the existence of certain conditions and the performance of certain acts prior to the erection of a local improvement district thereunder should not apply in the erection of local improvement districts under the provisions of section 14 of chapter 17 of the Ordinances of 1899; and that only those provisions of the *Local Improvement Ordinance* which apply to local improvement districts after they have been erected should if not inconsistent with the provisions of said chapter 17 of the Ordinances of 1899 apply to local improvement districts under the provisions of section 14 of chapter 17 of the Ordinances of 1899; and that shall be taken and held to have been the law and the true intent and meaning of the said Ordinance chapter 17 of the Ordinances of 1899 from the date upon which it came into force that is to say the twenty-ninth day of April, 1899.

1901

CHAPTER 27.

An Ordinance respecting Local Improvement Districts.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

Short title **1.** This Ordinance may be cited as "*The Local Improvement Ordinance.*" C. O., c. 73, s. 1.

INTERPRETATION.

- Interpretation** **2.** In this Ordinance unless the context otherwise requires :
- Ratepayer** 1. The term "ratepayer" means any owner or occupant over eighteen years of age of land in any district ;
- Person** 2. The word "person" includes corporations, joint stock companies and partnerships ;
- Year** 3. The term "year" means the calendar year ;
- Commissioner** 4. The term "commissioner" means the Commissioner of Public Works ;
- Deputy commissioner** 5. The term "deputy commissioner" means the Deputy Commissioner of Public Works ;
- Department** 6. The term "department" means the Department of Public Works for the Territories ;
- Local improvement branch** 7. The term "local improvement branch" means the local improvement branch of the Department of Public Works ;
- Clerk of local improvement branch** 8. The term "clerk of local improvement branch" means the clerk in charge of that branch of the Department ;
- Overseer** 9. The term "overseer" means the overseer of a local improvement district duly elected or appointed under the provisions of this Ordinance ;
- Owner** 10. The term "owner" includes any person who by any right, title or estate whatsoever is or is entitled to be in possession of any land in a district ;
- District** 11. The term "district" means any small local improvement district of an area not greater than seventy-two square miles organised or constituted as such at the date of the passing of this Ordinance or any small local improvement district

organised or constituted under the provisions of this Ordinance;

12. The term "large district" means any large local improvement district of an area greater than seventy-two square miles organised or constituted as such at the date of the passing of this Ordinance or any large local improvement district of an area greater than seventy-two square miles organised or constituted under the provisions of this Ordinance;

13. The term "resident" means any owner or occupant of land over eighteen years of age residing in any area proposed to be organised or established as a district. C.O., c. 73, s. 2, 1899, c. 17, ss. 1, 2.

SMALL LOCAL IMPROVEMENT DISTRICTS.

3. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette organise and constitute any portion of the Territories not contained within the limits of a municipality or organised village into a district and give the same a distinctive number:

Provided that no district shall be organised and constituted unless there shall be a population residing within such proposed district in the proportion of one resident to each three square miles of area:

Provided also that no district shall be organised or constituted containing a population of less than twelve residents:

Provided further that no district shall be organised and constituted comprising an area greater than seventy-two square miles. C.O., c. 73, s. 3.

REORGANISATION OF DISTRICTS.

4. The commissioner shall have the power to alter the boundaries of any district by adding thereto or taking therefrom or to divide one or more existing districts into two or more districts or to unite portions of an existing district with another district or with any new district in case it has been shown to his satisfaction that the rights of ratepayers affected thereby will not be prejudiced and that the proposed changes are for the general advantage of those concerned.

(2) No alteration shall be made in the boundaries of any district without due provision being made for the settlement and adjustment of the assets and liabilities of the same between the districts into which the same may be divided or between the same and the portions added to or taken therefrom; and the commissioner may in the order altering such districts prescribe and declare the terms of such settlement and adjustment and the manner in which the same shall be carried into effect.

(3) Every subdivided or enlarged district shall contain a population in the proportion fixed by section 3 of this Ordinance. C.O., c. 73, s. 4 (1), (2), (3).

ROAD ALLOWANCES AND SURVEYED ROADS.

Roads to form part of district

5. The road allowances and surveyed roads within a district shall form part of the district. C.O., c. 73, s. 4 (4).

Boundary roads to be part of each district

6. When a road allowance forms the boundary between two districts such road allowance shall be held to be a part of both districts and one or both of the districts shall have charge of the improvements to be made upon such road allowance according to such mutual arrangements as may be made between the districts or as directed by the commissioner if the districts fail to make such arrangement. C.O., c. 73, s. 4 (5).

DISORGANISATION OF DISTRICTS.

Cancellation of order creating district without sufficient population

7. Should it be made to appear to the satisfaction of the commissioner that any district organised and constituted under the provisions of this Ordinance did not at the time of such organisation and does not contain the population required by the provisions of section 3 of this Ordinance the order creating such district may be cancelled; and notice of the cancellation of such order shall be published in the official gazette:

Provided that all assessments made or things done within the district prior to the date of the order cancelling the order creating the district shall have the same force and effect as if the district so disorganised had contained the requisite population at the time it was organised:

Provided further that until and unless any such order is cancelled as aforesaid the district shall be held to have been properly organised. C.O., c. 73, s. 4 (6).

Disorganisation

8. Should it at any time be deemed expedient to disorganise any district the Lieutenant Governor in Council may upon recommendation of the commissioner by order disorganise such district; and notice of such order shall be published in the official gazette.

ELECTION OF OVERSEER.

Appointment of returning officer

9. The Lieutenant Governor in Council shall name in the order constituting the district such person as he may see fit to act as returning officer for the first election of an overseer in the district.

(2) Should the person so named as returning officer refuse or neglect or be unable from any cause to act in that capacity the commissioner shall appoint such other person as he may deem fit to act as returning officer in the place of the person named by the Lieutenant Governor in Council. C.O., c. 73, s. 5, (1), (2).

Meeting for election of overseer

10. The person named or appointed as returning officer as herein provided shall post notices in four widely separated

and conspicuous places in the district one which shall be the post office if there be one within the district calling a meeting of the ratepayers of the district for the election of an overseer at a time and place to be stated in such notice; such time shall not be earlier than the tenth day nor later than the fifteenth day after the day on which the said notices were posted ; and the ratepayers at such meeting shall elect by open voting one of their number as overseer.

(2) All expenditure in connection with such meeting shall be defrayed out of the funds of the district as hereinafter provided. C. O., c. 73, s. 5 (3), (4).

11. At the first or any subsequent election of an overseer ^{Conduct of} every ratepayer may vote but prior to voting shall sign a ^{a poll} declaration before the returning officer in form A in the schedule to this Ordinance and record his vote as provided in such form.

(2) Any person signing such declaration and casting his vote as a ratepayer at such election who is not entitled to vote shall be guilty of an offence and liable upon summary conviction to a penalty not exceeding \$50.

(3) The poll shall be opened at ten o'clock in the forenoon and shall be kept open until noon.

(4) The returning officer if he is a ratepayer of the district may vote at the election of an overseer ; and in case of a tie shall whether a ratepayer or not give a casting vote in favour of one of the candidates of whom he may be one if he is a ratepayer of the district.

(5) In case of any failure or neglect on the part of the rate-^{Appointment of overseer by} payers to elect an overseer the commissioner may appoint ^{commissioner} such person as he deems fit as overseer for the district ; and notice of such appointment shall be published in the official gazette.

(6) If for any other reason he should deem it advisable the commissioner may appoint an overseer for any district of which appointment notice shall be given in the gazette ; and upon such appointment being made the overseer of the district if any shall cease to hold office ; and shall forthwith deliver to the overseer so appointed all money, books, papers and other property of the district in his hands ; and on request shall furnish all information in his power relating to the matters of the district ; and on failure so to do shall be liable on summary conviction to a fine not exceeding \$50. C. O., c. 73, s. 6. 1899 c. 17, s. 3.

12. Whenever the due election of a person as overseer is disputed ^{disputed election of overseer} the commissioner may upon receiving the complaint of any ratepayer verified by the solemn declaration of the complainant and two other ratepayers investigate the matter and render such decision in and about the same as to him shall appear proper.

(2) The decision of the commissioner shall be final and shall be observed and obeyed by all persons concerned.

(3) Any person disobeying any such decision shall be liable on summary conviction thereof to a penalty not exceeding \$50. C.O., c. 73, s. 7.

13. Immediately after the election of an overseer the returning officer shall make his return to the commissioner accompanying it with a record of the voters having first verified such record by a statutory declaration as in form A in the schedule to this Ordinance.

PROCEDURE AT MEETING AFTER FIRST ELECTION OF OVERSEER.

Returning
officer to
preside

14. At a meeting called for the purpose of electing an overseer and after the overseer has been elected the returning officer shall continue to preside as chairman and shall receive motions from ratepayers which must be handed to him in writing with the names of a mover and seconder subscribed thereto.

(2) The chairman shall put such motions to the meeting and the majority of the ratepayers shall decide by a show of hands whether or not the motion shall carry. C.O., c. 73, s. 9.

Minutes to be
kept

15. The chairman shall provide a minute book in which he shall keep or cause to be kept a record of the meeting; which record shall state in full the motions made, by whom they were moved and seconded and whether they were carried or defeated; and at the close of the meeting he shall hand the minute book to the overseer. C.O., c. 73, s. 10 (1).

Subjects for
decision of
meeting

16. The meeting shall decide on the following subjects:

1. The location and character of the improvements to be undertaken by the district;
2. The lumber and other material and the tools and implements to be provided by the district. C.O., c. 73, s. 10 (2).

OVERSEER'S TERM OF SERVICE AND REMUNERATION.

Overseer to
hold office for
remainder
of year

17. Every overseer elected or appointed in accordance with the provisions of this Ordinance shall hold office for the remainder of the year during which he was elected or appointed and until his successor is elected or appointed unless the position becomes vacant through death, resignation or permanent removal from the district; and in the event of the position becoming so vacant and upon being so advised the commissioner shall appoint such person as he may designate to post notices calling a public meeting of the ratepayers of the district to fill such vacancy by the election of an overseer.

Work and
remuneration

(2) The overseer shall commute his assessment by services rendered in the superintendence of the work in the district;

and shall receive \$2 for every additional day he is employed to be paid out of any moneys the property of the district in his possessson.

(3) When he deems it expedient to do so the overseer may nominate some ratepayer who has elected to commute by labour as foreman of the work to be performed in any part of the district; and such foreman shall be allowed \$1.25 a day in commutation of such assessment for his services as such foreman.

(4) All work performed in the district in connection with the grading of or repair to roads or the construction and repair of culverts, bridges, dams and drains shall be performed in accordance with a manual of instructions for the guidance of overseers or foremen to be prepared and issued under the authority of the commissioner. C. O., c. 73, ss. 12, 27.

AUDIT OF THE BOOKS OF THE DISTRICT.

18. The books of every district shall be audited each and every year by an official auditor appointed under the provisions of any Ordinance or by a competent person to be named for the purpose by the commissioner. Books to be audited each year

(2) The fee to be paid from the district funds for such audit shall be fixed from time to time by the commissioner. C. O. c. 73, s. 10 (2) in part.

ANNUAL MEETING OF THE DISTRICT.

19. An annual meeting of the ratepayers of the district shall be held between the fifteenth and thirty-first days of January in each and every year on some day not a Sunday or holiday and shall begin at ten o'clock in the forenoon. The meeting shall be called by the overseer who shall at least ten days before the date fixed for holding the meeting post notices in four widely separated places in the district one of which shall be at the school house or post office in the district if there be one giving the place and date of the meeting. Annual meeting to be held

(2) If the election of an overseer is to form part of the business of the meeting that fact shall be stated in the notices calling the meeting. C.O., c. 73, s. 13 (1).

20. The ratepayers present at the annual meeting or any special meeting of the district shall elect one of their number to be chairman; and if the election of an overseer forms part of the business of the meeting the chairman shall act as returning officer for such election and shall make the return of the election in the manner provided by section 3 of this Ordinance. C.O., c. 73, s. 13 (2); 1899, c. 17, s. 5. Chairman to be elected and to act as returning officer

21. At any annual meeting at which the election of an overseer forms part of the business of the meeting such Election of overseer first order of business

election shall be the first business transacted at such meeting. C.O., c. 73, s. 14.

Motions how
made and
voted on

22. At the annual meeting of the district the chairman shall receive motions from ratepayers which must be in writing with the names of the mover and seconder subscribed thereto and shall put such motions to the meeting and the majority of the ratepayers shall decide by a show of hands whether or not such motion shall carry. C.O., c. 73, ss. 9, 13 (2).

Business
of meeting

23. The annual meeting of the district shall decide:

1. The location and character of the improvements to be undertaken by the district a schedule of which shall be drawn up and a copy thereof forwarded to the commissioner;
2. Whether the whole or any part of the improvements to be undertaken by the district shall be made outside the district on a road or roads which benefit the district;
3. What tools and implements shall be purchased by the district and whether any such tools and implements shall be purchased jointly with any other district;
4. Whether the work of the district is to be completed by contract or by day labour;
5. What portion of the funds of the district if any not exceeding \$20 may be expended for the extermination of gophers;
6. Any business relating to the work of the district which may require attention;

(2) The annual meeting may by a resolution adopted by a majority of two-thirds of the resident ratepayers of the district decide to increase the amount of the assessment for the year to an amount not exceeding double the amount fixed by section 29 of this Ordinance and a copy of such resolution certified by the chairman as having been adopted by such majority shall be forwarded to the department and such copy shall for all purposes be *prima facie* evidence of such resolution and of the facts stated in the chairman's certificate. C.O., c. 73, ss. 10, 11, 13 (2); 1899, c. 17, s. 13.

What work to
be done

24. The overseer shall perform the work of the district in accordance with the resolutions passed at the annual meeting; but should the ratepayers fail to decide upon the work to be undertaken then the overseer shall subject to the approval of the commissioner prepare a statement of the work to be performed by the district and shall complete the work in accordance therewith.

(2) The work ordered to be done in a district may be completed at any time during the year but must be finished before the first day of December in each year. C.O., c. 73, ss. 10, 13 (2), 28.

25. If any public work in the district requires an immediate outlay for the repair thereof or on any other occasion when an expenditure is urgently and immediately required the overseer may without the sanction of a public meeting make such outlay or expenditure:

Provided that no such outlay or expenditure shall exceed in any case the sum of \$25. C.O., c. 73, s. 11 (3).

26. Every district shall each year as part of the work of destruction of noxious weeds the district destroy the noxious weeds upon the road allowances or public roads within the district. C.O., c. 73, s. 11 (2).

ASSESSMENT OF THE DISTRICT.

27. The overseer shall on or before the fifteenth day of January in each and every year assess every owner or occupant as follows:

- (a) For any lot or lots, parcel or parcels of land so owned or occupied not exceeding in the aggregate ten acres in area 50 cents;
- (b) For any lot or lots, parcel or parcels of land so owned or occupied more than ten acres in area but not exceeding in the aggregate 160 acres \$2.50;
- (c) For every forty acres so owned or occupied over and above the first 160 acres $62\frac{1}{2}$ cents. C.O., c. 73, s. 15; 1899, c. 17, s. 6.

28. The overseer shall immediately upon the completion of the assessment make out an assessment roll in which he shall set out as accurately as he can the following information:

- (a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains;
- (b) The name of the person assessed on account of each such lot or parcel of land;
- (c) The amount of such assessment. C.O., c. 73, s. 16 (1).

29. If the overseer does not know and cannot after reasonable inquiry ascertain the name of the owner of any lot or parcel of land in the district the same shall be deemed to be duly assessed if entered on the roll with a note that the owner is unknown. C.O., c. 73, s. 16 (2).

30. If any land which should have been assessed has been omitted from the assessment roll or any error made in the particulars contained therein the overseer shall on the discovery of the omission or error if within two months from the posting of the roll as herein provided make the necessary additions and alterations to the roll to assess the owner or occupant of the land so omitted or correct the other error.

(2) If any increase of assessment is decided upon at the annual meeting as provided for under section 23 hereof the overseer shall amend the assessment roll in accordance therewith and shall notify all nonresidents whose addresses are known of such increased assessment. C.O., c. 73, s. 17.

Copy of roll to be posted **31.** Upon the completion of the assessment roll the overseer shall post a copy of the same at a school house or post office if there is one situate in the district or in a conspicuous place outside his own house if there is no school house or post office; and shall keep the original roll at his residence open to inspection at any reasonable time.

Notice of assessment (2) The overseer shall mail to each nonresident ratepayer whose name and address appear on the assessment roll a notice of his assessment; and the entry of the date of the mailing of such notice together with the initials of the overseer on the assessment roll shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the election or appointment or signature of the overseer. C.O., c. 73, s. 18; 1899, c. 17, s. 7.

Appeal from assessment **32.** Any person who feels himself aggrieved by the tax assessed by the overseer may appeal within fifteen days after the posting of the roll from such assessment by delivering notice of such appeal in writing to the justice of the peace nearest the residence of the overseer; and such justice shall thereupon notify the overseer and appellant of the time and place when such appeal will be heard; and the finding of the justice upon such appeal shall be final. C.O., c. 73, s. 19.

Distress for taxes **33.** In case any person neglects to pay his taxes for two months after the posting of the assessment roll as herein provided the overseer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods or chattels in his possession wherever the same may be found in the district or of any goods or chattels found on the land the property of or in possession of any other occupant thereof and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the sale or the payment of the taxes and costs out of the proceeds of sale thereof. C.O., c. 73, s. 34.

Taxes a lien **34.** The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon. C.O., c. 73, s. 32.

Suit for taxes **35.** Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the overseer for the time being as a debt due to the district; in which case the assessment roll shall be *prima facie* evidence of the debt. C.O., c. 73, s. 33.

36. The overseer shall enter all amounts paid him for taxes on the original assessment roll opposite the lot or parcel of land for which such payment is made; and shall issue an official receipt for all such payments in form to be prescribed by the commissioner. Taxes paid to be entered on roll

37. The overseer shall keep a proper cash book for the district in which he shall enter on the debit side all moneys received by him on account of the district together with the number of the official receipt given for such amount and on the credit side all payments made by him on account of the district together with the number of the voucher or receipt received for such payment. Cash book to be kept

38. The overseer shall deposit all sums received by him on account of the district in a chartered bank in his name as overseer of the district; and shall make all payments for the district by cheque drawn against such deposit. Moneys to be deposited in bank

39. The overseer shall provide a book in which he shall keep a record of all property belonging to the district. C.O., c. property 73, s. 29.

COMMUTATION.

40. Every person shall pay the whole amount for which he is assessed; but any person may elect to commute for the same or for some part thereof by day labour at the rate of one day's work for each \$1.25 of assessment. C.O., c. 73, s. 20.

41. Every person intending to commute by day labour for his assessment or any part thereof shall within thirty days after notice of his assessment has been given in the manner herein provided notify the overseer of his intention to do so; and shall commence work when and where notified to do so by the overseer; and the commutation shall not be considered as made until such work is completed.

(2) If a person who has given notice of his intention to commute does not commence work at the time at which he has been notified to do so or if having commenced he shall not forthwith complete the work assigned to him he shall forfeit the right to commute and shall be liable to pay taxes in the same manner as if he had not elected to commute.

(3) If any person make default as in the preceding subsection mentioned he shall be liable to pay to the overseer for the district the sum of \$2.50 in addition to the taxes payable by him. C.O., c. 73, s. 21; 1899, c. 17, s. 8.

42. The overseer shall give five days' notice in writing to commence work to each person assessed who elects to commute his assessment by labour naming in such notice where and when such person is required to work and with what implements. C. O., c. 73, s. 22 in part.

Animals and
implements
required by
overseer

43. The overseer is empowered to require cart or waggon, plough or scraper with a pair of horses, mules or oxen and a man from any person having the same within his district who has been assessed \$2.50 or more and who has elected to commute his assessment by day labour; and any person so furnishing the same shall be credited with \$2.50 for each day's service therewith.

(2) In case it is so decided by a majority of ratepayers of any district at the annual meeting a man driving a four horse team shall be credited with \$5 for each day's service therewith. C.O., c. 73, s. 23.

Person
commuting to
work 8 hours
per day

44. Every person assessed who elects to commute his assessment by day labour may appear in person or by an able bodied man as a substitute; and the person or substitute so appearing shall subject to the orders of the overseer actually work eight hours in each day.

Provided that if any resident ratepayer shall be obliged to go to work at a place further than three miles by the nearest practicable road from his residence he shall be allowed on his day's work fifteen minutes for each mile necessarily travelled beyond such three miles. C.O., c. 63, s. 22 in part, 24.

Person
excused still
liable

45. The acceptance by the overseer of an excuse for refusal or neglect shall not in any case exempt the person excused from working the whole number of days for which he has elected to commute his assessment. C.O., c. 73, s. 25.

ABOLITION OF COMMUTATION.

Petition for
abolition of
commutation

46. Upon a petition hereinafter provided for being presented to the commissioner by two-thirds of the ratepayers of any local improvement district he may order that the provisions of this Ordinance as to commutation of assessment by labour shall not be applied in such district.

(2) The petition shall be in or to the effect of form B in the schedule hereto and shall be accompanied by the declaration of a subscribing witness proving the execution of the petition and by a declaration of the overseer of the district verifying the statement made therein. 1899, c. 17, s. 11.

PENALTIES.

Overseer
liable for
neglect of
duty

47. Any overseer who:

- (a) After having accepted office whether on election thereto by the residents of the district or appointment by the commissioner refuses or neglects to discharge the duties of his office; or
- (b) Neglects or refuses to render true and correct returns when required to do so under the provisions of any Ordinance of the Territories; or

- (c) Neglects or refuses to discharge any liability of the district while in the possession of sufficient moneys the property of the district to enable him to do so; or
- (d) Neglects or refuses to hand over to his successor on demand therefor all moneys, books, papers and other property of the district in his possession;

in addition to any civil liability which he may thereby incur shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding \$50. C.O., c. 73, s. 39.

GENERAL PROVISIONS.

48. At the expiration of the term of any overseer or on the position becoming vacant through death, resignation or permanent removal from the district or any other cause the rolls, district moneys and other property of such district held by him in virtue of his position as overseer shall be handed over by him or his personal representative to his successor; and a receipt for the same shall be inscribed in the book referred to in section 39 of this Ordinance. C.O., c. 73, s. 41.

49. The commissioner may from time to time appoint such person as he may see fit to inspect and report on the condition of the work in any district, the tools, implements or other property owned by the district and audit the books of the overseer of the district. C.O., c. 73, s. 42.

50. All overseers shall be *ex officio* fire guardians under the provisions of *The Prairie Fires Ordinance*. C.O., c. 73, s. 43.

51. Whenever in any district any number of occupied dwellings more than five are situated within an area not exceeding half a square mile the overseer shall within such area enforce the provisions of *The Village Ordinance* relating to the prevention of disease and the prevention of fire. 1899, c. 17, s. 12.

LARGE LOCAL IMPROVEMENT DISTRICTS.

52. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette organise and constitute as a large local improvement district any portion of the Territories not already contained in a municipality, small local improvement district or village; and may designate such large district by a distinctive name and number. 1899, c. 17, s. 14.

53. The assessment of lands made as hereinafter provided in a large local improvement district now or hereinafter organised and constituted under the provisions of this or any previous Ordinance shall be made in the local improvement branch of the Territorial Department of Public Works; and all notices of such assessment shall be issued from that Department.

Rate of assessment

54. In large districts the rate of assessment shall be $1\frac{1}{4}$ cents per acre :

Provided that if in any large district the commissioner is satisfied that the said rate of assessment would raise a sum greater than would be necessary to effect the improvements required in such district the rate of assessment may be reduced to such less amount per acre as the commissioner may determine.

Provided further that no assessment shall be for a sum less than fifty cents. 1899, c. 17, s. 16.

Assessment roll

55. As soon as possible after the beginning of each year or after the organisation of a large district an assessment roll shall be prepared for each large district upon which shall be entered as accurately as may be the following information :

- (a) Each lot or parcel of land owned or occupied within the district and the number of acres it contains ;
- (b) The name and post office address of the person assessed as owner or occupant of each lot or parcel ;
- (c) The amount of assessment ;
- (d) The amount of previous assessments which have not been paid. 1899, c. 17, s. 17 in part.

Assessment if owner or address is unknown

56. If after reasonable inquiry the name or address of the owner or occupant of any lot or parcel of land in a large district cannot be ascertained the same shall be deemed to be duly assessed if entered on the roll as "owner unknown" or "address unknown" as the case may be.

Notice of assessment

57. Upon completion of the assessment roll it shall be signed by the deputy commissioner ; and a notice shall then be sent by ordinary mail to each person whose name appears upon the roll stating the land in respect of which such person is assessed, the amount of such assessment and requesting payment of same ; and the entry upon the assessment roll of the date of mailing such notice together with the initials of the clerk mailing the same shall be *prima facie* evidence that the notice was duly mailed on that date. 1899, c. 17, s. 17 in part.

Correction of errors in roll

58. If any property in a large district in respect of which any person should have been assessed has been omitted from the assessment roll or been entered on the roll in the name of the wrong person or with an incorrect acreage the necessary addition or alteration to correct the error may be made at any time in the year in which such assessment is made such addition or alteration being initialled by the deputy commissioner ; and a notice of assessment in accordance with such addition or alteration shall forthwith be sent to the owner of the property affected.

59. The taxes accruing upon or in respect of any land in a large district shall be paid in cash and shall be a special lien upon such land having priority over any claim, lien, privilege or incumbrance thereon.

60. In case any ratepayer neglects or refuses to pay his taxes in a large district for two months after the mailing of the notice as provided by section 57 of this Ordinance the commissioner may by his agent levy the same with costs by distress of the goods and chattels of the person who ought to pay the same or of any goods and chattels in his possession wherever the same may be found in the large district or of any goods and chattels found on the premises the property of or in possession of any other occupant of the premises and may impound the same on the premises where distrained; and no claim of property, lien or privilege shall be available to prevent the same or payment of the taxes and costs out of proceeds of the sale thereof.

61. The taxes collected in any large district shall be deposited in a chartered bank to the credit of a district trust account; and shall be expended under the direction of the commissioner in making such improvements as may from time to time be required in the district.

(2) The details of the expenditure in any large district shall be published in the public accounts annually submitted to the Legislative Assembly. 1899, c. 17, s. 19.

62. All accounts and contracts for work in large districts shall be in duplicate and shall be audited by the Territorial auditor and properly certified by him before being paid.

63. Should it at any time be deemed expedient to disorganise or alter the boundaries of any large district or to amalgamate any two or more districts which have been organised such disorganisation, alteration or amalgamation may be effected upon recommendation of the commissioner by order of the Lieutenant Governor in Council.

RETURNS TO COMMISSIONER.

64. The overseer of every district shall between the first and fifteenth day of December in each and every year make out a statement in writing on forms supplied by the commissioner containing the information required by the clauses of the second subsection of this section; he shall allow any ratepayer to inspect the statement and to make a copy of or extracts therefrom on any day except Sunday or statutory holidays from the said fifteenth day of December till the twenty-fourth day of the same month between the hours of ten o'clock in the morning and four o'clock in the afternoon; and he shall then send such statement audited and certified by

the auditor and duly verified by his statutory declaration not later than the first mail after the twenty-fifth day of December to the commissioner.

(2) The said statement shall contain the following information:

- (a) The names and post office addresses of all ratepayers together with a description of the lands for which they are assessed and the amount of such assessment;
- (b) The amount of taxes paid by each ratepayer for the current year and the amount of arrears of taxes if any unpaid by such ratepayer;
- (c) The amount of arrears of taxes paid during the year with the names of the parties paying them and the lands and year in respect of which they are paid;
- (d) Details of any revenue other than taxes received by the district;
- (e) Details of the manner in which all moneys belonging to the district have been expended during the year;
- (f) Any additional information which the commissioner may consider necessary regarding the operations or standing of the district. C.O., c. 73, s. 30.

Return of
arrears of
taxes

65. The overseer of every district shall in the first fifteen days of January in each year make a return verified by his solemn declaration to the commissioner in such form as may by the commissioner be from time to time prescribed showing all lands in the district upon which taxes have not been paid together with the years for which such taxes are due.

(2) A like return shall be made by the clerk in charge of the local improvement branch of the department for each large district.

(3) The return for all purposes shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed. C.O., c. 73, s. 31.

Application to
judge for
confirmation

66. On application by the Attorney General of the Territories or some advocate authorised by him to a judge of the supreme court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the commissioner.

Notice to be
given

(2) A notice of the time and place fixed for confirmation of such return shall be sent by registered mail at least sixty days prior to the time so fixed to each person who appears by the

records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records of return; and the entry against such lands of the date of mailing such notice together with the initials of the clerk of the local improvement branch of the department shall without proof of the appointment of signature of the said clerk be *prima facie* evidence that the required notice has been mailed. C.O., c. 73, s. 35.

67. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the commissioner of the amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the commissioner; but no such redemption fee shall be less than \$2

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the commissioner.

(4) A copy of such adjudication certified by the commissioner shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and such copy shall be notice to the public of the facts contained therein. C.O., c. 73, s. 31 (2), 36.

68. If any person interested in the parcel of land contained in the return presented to the judge for confirmation as provided by section 67 of this Ordinance pays the taxes upon such land before the day fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1 for each quarter section or portion thereof in lieu of the costs of application to the judge and advertising and postage

Costs when taxes paid after application to judge

in connection with such proceedings; and any sums so paid shall form part of the general revenue.

Order vesting
title in Crown

69. At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate authorised by him and production of the last named adjudication together with a certificate of the commissioner showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in His Majesty freed from all liens, mortgages and incumbrances of whatever nature and kind the same may be. C.O., c. 73, s. 37.

Payment of
taxes by
commissioner

70. So soon as the return of the overseer has been confirmed the commissioner shall pay to the overseer the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter while owned by His Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual. C. O., c. 73, s. 38.

Lieutenant
Governor may
make
regulations

71. The Lieutenant Governor in Council may make such provisions or regulations not inconsistent with this Ordinance as may be necessary for the proper carrying out of the same or to meet exigencies occurring under its operation. C. O., c. 73, s. 43.

Exemptions

72. In any district or large district the property exempt from taxation under the provisions of this Ordinance shall be:

1. All land held by or in trust for the use of any tribe of Indians.
2. The land to the extent of two acres held by or for the use of any public or separate school.
3. The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes.
4. The land in use as a public cemetery not exceeding twenty-five acres.
5. The land used as the right of way for any irrigation canal or ditch.

Repeal

73. Chapter 73 of *The Consolidated Ordinances 1898* and the amendments thereto are hereby repealed.

SCHEDULE.

FORM A.

Local Improvement District No. in township
range west of the meridian.

The undersigned severally declare each for himself that he is a ratepayer in the above named district over eighteen years of age and votes in respect of the land set opposite his name hereto and that he votes for the person whose name is set opposite his name hereto.

Name	Land voted upon	Person voted for

A.B.,
Returning Officer.

Local Improvement District No.

I, A.B., Returning Officer for Local Improvement District No. in township range west of the meridian hereby solemnly declare that the record of votes annexed signed by me is a true record of votes cast upon the day of 190 , when was duly elected Overseer for the above district; and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

A.B.,
Returning Officer.

Declared before me at }
this day }
of 190 }
A Commissioner, etc.

FORM B.

Petition for Abolition of Commutation.

THE LOCAL IMPROVEMENT ORDINANCE.

Local Improvement District No.

To the Commissioner of Public Works for the North-West Territories:

The undersigned are over eighteen years of age and are owners or occupants of land situate within Local Improvement

District No. The land owned or occupied by the undersigned respectively is indicated after the respective signatures hereto appended.

The undersigned do hereby petition that an order be made under the provisions of section 46 of *The Local Improvement Ordinance* declaring that the provisions of *The Local Improvement Ordinance* as to commutation of assessment by labour shall not hereafter apply in said district.

Dated at

day of

this

A.D. 1

Signature of owner or occupant.	Land owned or occupied.					Signature of witness
	Quar.	Sec.	Sec.	Tp.	Rge.	

DECLARATION OF WITNESS.

CANADA : } I
 North-West Territories. } section township
 range west of the
 meridian in the North-West Territories
 do solemnly declare :

1. That I was personally present and did see the within or annexed petition duly signed by who are personally known to me.

2. That the said petition was so executed at and I am the subscribing witness thereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at
 in the North-West Territories }
 this day of }
 A.D. 1 }

DECLARATION VERIFYING PETITION.

CANADA : } I
 North-West Territories. } section township
 range west of the
 meridian, overseer of Local Improvement District No. do
 solemnly declare :

1. That the several statements in the said petition contained are true.

22. That the subscribing petitioners to the said petition comprise two-thirds of the ratepayers within the said local improvement district No.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act 1893*.

Declared before me at
in the North-West Territories }
this day of }
A.D. 1 }

N.B.—This declaration may be made before a Justice of the Peace, Commissioner for taking Affidavits or Notary Public.

1901

CHAPTER 28.

An Ordinance to further amend Chapter 74 of The Consolidated Ordinances 1898, intituled "An Ordinance respecting Irrigation Districts."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

INTERPRETATION.

1. In this Ordinance unless the context otherwise requires:

Commissioner 1. The expression "commissioner" means the Commissioner of Public Works for the Territories;

District 2. The expression "district" means any irrigation district created under the provisions of *The Irrigation District Ordinance*;

Board of trustees 3. The expression "board of trustees" means the board of trustees of any district;

District commissioner 4. The expression "district commissioner" means any district commissioner appointed under the provisions of this Ordinance;

Chief engineer 5. The expression "chief engineer" means the chief engineer of the Department of Public Works for the Territories;

Lieutenant Governor may appoint district commissioner 2. The Lieutenant Governor in Council may appoint a district commissioner for any district; and a notice of such appointment shall be published in the official gazette.

(2) The remuneration to be paid any district commissioner shall be fixed by the Lieutenant Governor in Council; and such remuneration shall be paid out of the funds of the district.

Powers of district commissioner 3. A district commissioner appointed under the provisions of this Ordinance shall have all the powers and authorities of the board of trustees for the district for which he is appointed; and during the term of his appointment no election of a board of trustees shall be held.

Cessation of board of trustees 4. Upon the appointment of a district commissioner the board of trustees of the district for which he is appointed shall cease to hold office as such.

(2) The board of trustees and any and all their officers shall upon demand of the district commissioner hand over to him all

moneys, books, plans tools, implements and property whatsoever belonging to the district; and any board of trustees or any individual member thereof or any officer of such board refusing or neglecting to so hand over the moneys, books, plans, tools, implements or other property of the district shall be guilty of an offence and liable upon summary conviction thereof to a fine not exceeding \$100 or to imprisonment for one month or to both.

5. In any district for which a district commissioner shall have been appointed as provided by this Ordinance the chief engineer shall be the engineer required to be appointed by section 26 of *The Irrigation District Ordinance*.^{Chief engineer to act}

6. If it is found by the district commissioner that the amount required to construct and complete the proposed work of the district according to the maps, plans and estimates of the engineer together with any liability incurred by the district prior to the appointment of the district commissioner does not exceed an amount equal to \$4 per acre of the lands shown by such maps and plans and by the assessment roll of the district to be irrigable by means of the proposed works and that the amount required to be raised annually for the purpose of maintaining such works and paying the expenses of the administration of the affairs of the district including interest and sinking fund does not exceed an amount equal to \$1 per acre of the lands shown to be irrigable as above mentioned the Lieutenant Governor in Council may authorise the raising by loan upon the credit of the district of the amount certified by the district commissioner and engineer to be required to defray the cost of the construction and completion of the proposed works and for the levying of the necessary rates for the payment of such loan and the interest accruing thereon and for the issue of debentures for the same.^{Lieutenant Governor may grant borrowing powers}

7. Upon the expiration of the term of appointment of any district commissioner or at an earlier date if he deems it expedient to do so the Lieutenant Governor in Council shall make provision for the election of a new board of trustees for the district.^{Election of new trustee board}

8. In the event of the death or resignation of any district commissioner appointed under the provisions of this Ordinance the vacancy so caused shall be filled by the appointment of a new district commissioner by the Lieutenant Governor in Council.^{Death or resignation of district commissioner}

9. Sections 70, 71, 72, 73 and 74 of the said Chapter 74 of *The Consolidated Ordinances 1898* are repealed and the following substituted therefor:^{Sections repealed}

“70. The secretary treasurer of every district shall in the first fifteen days of January in each year make a return verified by his solemn declaration to the commissioner in such form as^{Annual returns}

may by the commissioner be from time to time prescribed showing all lands in the district upon which taxes have not been paid together with the years for which such taxes are due.

"(2) The returns shall for all purposes be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed.

**Application
for
confirmation
of return**

"**71.** On application by the Attorney General of the Territories or some advocate authorised by him to a judge of the supreme court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the district or if none be published in the district then in a local paper published at a point nearest thereto to be named by the commissioner.

"(2) A notice of the time and place fixed for the confirmation of such return shall be sent by mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper lands titles office or by the said return to have any interest in the lands mentioned in said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the initials of the clerk of the local improvement branch of the Department of Public Works shall without proof of the appointment or signature of the said clerk be *prima facie* evidence that the required notice has been mailed.

**Hearing of
application**

"**72.** At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years naming the amounts severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in His Majesty for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by payment to the commissioner of the amounts named including expenses as aforesaid together with a redemption fee of \$1 for each and every parcel so redeemed and any subsequent taxes paid by the commissioner.

"(2) For the purpose of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

"(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the commissioner.

"(4) A copy of such adjudication certified by the commissioner shall be forwarded to the registrar of the land registration district in which the lands named in the adjudication or any of them or situated; and such copies shall be notice to the public of the facts therein contained.

"**73.** If any person interested in any parcel of land contained in the return presented to the judge for confirmation as provided by section 72 of this Ordinance pays the taxes upon such lands before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue pay the sum of \$1.00 for each parcel of land to cover the costs of application to the judge and advertising and postage in connection with such proceedings; and any sum so paid shall form part of the Territorial revenue.

"**74.** At any time after the expiration of the year last named on *ex parte* application by the Attorney General or an advocate appointed by him and production of the last named adjudication together with the certificate of the commissioner showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in His Majesty freed from all liens, mortgages and encumbrances of whatever nature and kind the same may be.

"**74a.** So soon as the return of the secretary treasurer has been confirmed the commissioner shall pay to the secretary treasurer the amount of taxes adjudged in arrears on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter yearly while owned by His Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual."

10. The commissioner may from time to time make such rules and regulations and prescribe such forms not inconsistent with the provisions of *The Irrigation District Ordinance* as may be necessary to the effective and proper administration of any district for which a district commissioner shall have been appointed as herein provided.

1901

CHAPTER 29.

An Ordinance respecting Schools.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

Short title 1. This Ordinance may be cited as "*The School Ordinance.*" C. O., c. 75, s. 1.

INTERPRETATION.

Interpretation 2. In this Ordinance except the context otherwise requires :

Department 1. The expression "department" means the Department of Education ;

Commissioner 2. The expression "commissioner" means the Commissioner of Education ;

Council 3. The expression "council" means the Educational Council ;

Inspector 4. The expression "inspector" means any school inspector appointed under this Ordinance ;

District 5. The expression "district" means any school district erected or constituted as such at the date of the coming into force of this Ordinance and any school district hereafter erected or constituted under the provisions hereof ;

Rural district 6. The expression "rural district" means any school district situated wholly outside the limits of any town or city municipality or any village ;

Provided that in case any rural district or any portion thereof is included in any village that may hereafter be organised such district shall for the purposes of this Ordinance be deemed a rural district until the end of the then current calendar year ;

Village district 7. The expression "village district" means any school district situated wholly or in part within the limits of any village ;

Town district 8. The expression "town district" means any school district situated wholly or in part within the limits of any town or city municipality ;

Ratepayer 9. The expression "ratepayer" means any person of the full age of twenty-one years whose name appears on the last

revised assessment roll of the district and who has paid all taxes due by him to the said district;

10. The expression "resident ratepayer" means:

Resident
ratepayer

- (a) In any proposed district any person of the full age of twenty-one years actually residing therein and who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of the first school meeting;
- (b) In any established district in which there has been no revised assessment roll of the district any person of the full age of twenty-one years actually residing therein and who has so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to the date of any school meeting;
- (c) In any other district any person of the full age of twenty-one years actually residing therein whose name appears on the last revised assessment roll of the district and who has paid all taxes due by him to such district;

11. The expression "board" means the board of trustees of Board any district;

12. The expression "teacher" means any person holding a Teacher legal certificate of qualification. C.O., c. 75, s. 2.

DEPARTMENT OF EDUCATION.

3. There shall be a department of the public service of the Organisation Territories called the Department of Education over which the member of the Executive Council appointed by the Lieutenant Governor in Council under the seal of the Territories to discharge the functions of the Commissioner of Education for the time being shall preside.

(2) The Lieutenant Governor in Council may appoint such officers, clerks and servants as are required for the proper conduct of the business of the department and for the purposes of this Ordinance all of whom shall hold office during pleasure.

4. The department shall have the control and management Functions of all kindergarten schools, public and separate schools, normal schools, teachers' institutes and the education of deaf, deaf mute and blind persons.

5. The commissioner shall have the administration, control Administra-
tion and management of the department and shall oversee and direct the officers, clerks and servants thereof.

Regulations of the Department.

11. The commissioner with the approval of the Lieutenant ^{Administra-}
_{ferred} nor in Council shall have power:

Schools and courses of study

1. To make regulations of the department—

(a) For the classification, organisation, government, examination and inspection of all schools hereinbefore mentioned;

(b) For the construction, furnishing and care of school buildings and the arrangement of school premises;

(c) For the examination, licensing and grading of teachers and for the examination of persons who may desire to enter professions or who may wish certificates of having completed courses of study in any school;

(d) For a teachers' reading course and teachers' institutes and conventions;

2. To authorise text and reference books for the use of the pupils and teachers in all schools hereinbefore mentioned as well as such maps, globes, charts and other apparatus or equipment as may be required for giving proper instruction in such schools;

3. To prepare a list of books suitable for school libraries and to make regulations for the management of such libraries;

4. To make due provision for the training of teachers.

School libraries

Normal schools

Powers of the Commissioner.

Powers of commissioner 7. It shall be the duty of the commissioner and he shall have power:

Appeals, disputes and complaints

1. To appoint one or more persons to inquire into and report upon any appeal, complaint or dispute arising from the decision of any board or inspector or other school official or upon the condition of one or more schools or upon the financial condition of any district or upon any other school matter; and such person or persons shall have power to take evidence under oath or by affirmation; and the commissioner upon receipt of such report shall make such order thereon as to him shall seem proper;

Official trustees

2. To appoint an official trustee to conduct the affairs of any district; and any such official trustee shall have all the powers and authorities conferred by this Ordinance upon a board and its officers; and shall be remunerated out of the funds of the district or otherwise as the Lieutenant Governor in Council may decide, and upon the appointment of any such official trustee the board of any district for which he is appointed shall cease to hold office as such;

Unorganised districts

3. To appoint some person to inquire into and report upon the conditions existing in any portion of the Territories that may not have been erected into a school district and subject to the provisions of this Ordinance in that behalf to take such action thereon as to him may seem expedient; and such person shall receive such remuneration as the Lieutenant Governor full Council may determine;

4. To suspend or cancel for cause any certificate granted under the regulations of the department; Cancelling certificates

5. To cause to be prepared and printed recommendations and advice on the management of schools and districts for trustees and teachers; Advice to trustees

6. To prepare suitable forms and give such instructions as may be necessary for making all reports and carrying out the provisions of this Ordinance; Forms

7. To appoint some person to call any school meeting required to be held under this Ordinance when there is no person authorised to call such meeting or when the person so authorised neglects or refuses to act; Call meetings

8. To cause to be prepared plans of buildings suitable for schools of one or two rooms; Plans for schools

9. To report annually to the Lieutenant Governor in Council upon all schools and institutes herein mentioned with such statements and suggestions for promoting education generally as he may deem expedient; Annual report

10. To make any provision not inconsistent with this Ordinance that may be necessary to meet exigencies under its operation. C. O., c. 75, ss. 6, 7, 8, 9, 10.

EDUCATIONAL COUNCIL.

8. There shall be an educational council consisting of five Members persons at least two of whom shall be Roman Catholics to be appointed by the Lieutenant Governor in Council; who shall receive such remuneration as the Lieutenant Governor in Council shall determine.

(2) On the first constitution of the council three of the members shall be appointed for three years and two for two years; and thereafter each member appointed shall hold office for two years. C. O., c. 75, s. 4. Term of office

9. An annual meeting of the council shall be held in the month of July at such time and place as the commissioner shall appoint. Meetings

(2) Additional meetings of the council may be called at any time by the commissioner.

(3) At each meeting of the council the council shall appoint a chairman and a secretary.

10. All general regulations respecting the inspection of schools, the examination, training, licensing and grading of teachers, course of study, teachers' institutes and text and reference books shall before being adopted or amended be referred to the council for its discussion and report. C. O., c. 75, s. 4 (2). Subjects for consideration

11. The council shall consider such matters as may be referred to it as hereinbefore provided or by the commissioner. Report of Council

and may also consider any question concerning the educational system of the Territories as to it may seem fit and shall report thereon to the Lieutenant Governor in Council.

FORMATION OF PUBLIC SCHOOL DISTRICTS.

**Conditions
necessary for
erection of
district**

12. Any portion of the Territories may be erected into a public school district provided that—

- (a) It does not exceed five miles in length or breadth exclusive of road allowances;
- (b) It contains four persons actually resident therein who on the erection of the district would be liable to assessment and twelve children between the ages of five and sixteen inclusive;

**Special cases—
other
boundaries
permitted**

Provided however that in special cases the commissioner may permit the boundaries of any district to exceed five miles in length or breadth or either. C.O., c. 75, s. 12.

**Committee
for erection
of district**

13. Any three residents in any area fulfilling the requirements of the next preceding section may be formed or may form themselves into a committee to procure its erection into a district and may petition the commissioner for such erection.

Petition

(2) The petition shall be in form prescribed by the commissioner. C.O., c. 75, ss. 13, 14.

First School Meeting.

**Notice of first
school
meeting**

14. On receiving the approval of the commissioner to the limits and name of any proposed district a notice calling a meeting of the ratepayers shall be posted up by the petitioners in at least five widely separated places within such limits one of which shall be the post office therein if there be such post office and if there be no post office therein a sixth notice shall be posted in the nearest post office thereto at least two weeks prior to the date of said meeting.

Form

(2) The notice may be in form prescribed by the commissioner. C.O., c. 75, s. 16.

**Proof of
posting**

15. Satisfactory proof that the notices have been posted up as hereinbefore provided shall be furnished by solemn declaration in form prescribed by the commissioner. C.O., c. 75, s. 16 (2).

First meeting

16. At one o'clock in the afternoon standard time of the day appointed in the notice calling the first school meeting the resident ratepayers present shall elect one of their number as chairman to preside over their proceedings and shall also appoint a secretary who shall record the minutes of the meeting and perform such other duties as may be required of him by this Ordinance. C.O., c. 75, s. 17.

17. The chairman shall upon his appointment sign the declaration provided in form A in the schedule to this Ordinance.

18. After the election of a chairman any person wishing to take any part in the meeting or vote thereat shall be required to sign in the presence of the chairman and secretary the declaration provided in form A in the schedule to this Ordinance and no person shall be allowed to take part in the meeting or vote thereat unless and until he shall have signed such declaration.

(2) Any person subscribing to a declaration form A containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

(3) Any declaration made under the provisions of this section shall be forwarded by the chairman to the commissioner.

19. The chairman may not vote on any question whether the same is to be decided by a show of hands or a poll but in case of a tie he must give a casting vote. C.O., c. 75, s. 20.

20. Upon his appointment and before any other business is transacted except as provided in section 18 of this Ordinance the chairman shall immediately cause a poll to be taken of the votes of the resident ratepayers for and against the formation of the proposed district.

21. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given in the form prescribed by the commissioner. C.O., c. 75, ss. 24, 25.

22. The poll shall remain open for one hour at the end of which time it shall be closed by the chairman who shall then sum up the votes. C.O., c. 75, s. 25.

23. If the result of the poll is favourable to the formation of the district the chairman shall immediately call for nominations of persons to serve as trustees and the secretary shall record such nominations in the order in which they are made.

24. The persons nominated for the position of trustees shall be resident ratepayers of the proposed district and shall be able to read and write. C.O., c. 75, s. 31.

25. Each candidate for the position of trustee shall be nominated by a mover and seconder both of whom shall be resident ratepayers of the proposed district. C.O., c. 75, s. 28.

26. Nominations shall be received by the chairman for thirty minutes after he first calls for the same. C.O., c. 75, s. 22 (3).

Acclamation

27. In case the number of nominations does not exceed three the chairman shall declare the persons nominated to be elected. C.O., c. 75, s. 29.

Poll for election of trustees

28. If more than three candidates are nominated the chairman shall at the close of the time for nominations declare a poll open for the election of trustees. C.O., c. 75, s. 22.

Chairman to preside

29. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given in the form prescribed by the commissioner. C.O., c. 75, ss. 24, 25.

Ratepayer's votes

30. Every resident ratepayer shall have three votes but shall in no case vote more than once for any one candidate at the same election. C.O., c. 75, s. 18 (2).

Closing poll

31. The poll shall remain open for one hour at the end of which time it shall be closed by the chairman who shall then sum up the votes and declare the result. C.O., c. 75, s. 25.

Chairman to forward minutes to department

32. Within ten days after the date of the first school meeting the chairman shall send to the department certified copies of—

- (a) The minutes of the meeting;
- (b) The poll for the erection of the district;
- (c) The poll for the election of trustees;
- (d) The notice calling the meeting.

Order for Erection of School District.

Commissioner may order erection of district

33. Upon the receipt of the returns mentioned in the next preceding section and upon being satisfied that all the requirements and provisions of this Ordinance with reference to the formation of the district have been complied with the commissioner may order the erection of the proposed district into a school district and assign to it a name and number.

Notice in official gazette

(2) Notice of the erection of the district shall be published in the official gazette; and such notice shall be conclusive evidence of the erection of the district and that all the necessary formalities have been complied with. C.O., c. 75, s. 41.

Investigation of disputed election, etc.

34. Whenever complaint is made that the election of any trustee or that the proceedings or any part thereof of any first or other school meeting in any rural district have not been in conformity with this Ordinance the commissioner may upon receiving the complaint of any ratepayer verified by solemn declaration of the complainant investigate the matter and render any decision in and about the same as to him shall appear proper.

(2) No such complaint shall be entertained by the commissioner unless made to him in writing within twenty days after the holding of the election or meeting.

Name of School District.

35. Every district created under this Ordinance shall be entitled "The..... School District No..... of the ^{Name of} district North-West Territories."

(2) The commissioner may from time to time alter the name ^{of name} of any district upon the petition of the board of such district and notice of such alteration shall be published in the official gazette but in such cases the seal theretofore used by such district shall continue to be the seal thereof until changed by the board.

(3) No change in the name of any district made in accordance with the provisions of this Ordinance shall affect any obligations, rights, actions or property incurred, established, done or acquired prior to such change. C.O., c. 75, ss. 11, 56.

FIRST BOARD OF TRUSTEES.

Term of Office.

36. The trustees elected at the first school meeting in any district shall hold office as follows: The trustee receiving the greatest number of votes shall hold office until the third annual meeting of the district is held; the trustee receiving the next greatest number of votes until the second annual meeting is held; and the trustee receiving the lowest number of votes until the first annual meeting is held;

Provided that in case there is no vote taken the trustees elected shall respectively hold office in the order in which they are nominated until third, second and first annual meeting of the district is held;

Provided further that if any two or more trustees elected receive an equal number of votes they shall respectively hold office in the manner provided in the next preceding proviso;

Provided further that if the annual meeting of a district is not held in any year it shall for the purposes of this section be deemed to have been held at the regular time. C.O., c. 75, s. 30.

Declaration of Office.

37. Every trustee shall before the first meeting of the board is held make the following declaration before the ^{Declaration of} ^{office} chairman of the meeting at which he was elected or a justice of the peace or commissioner for taking affidavits:

I A.B., do hereby accept the office of trustee to which I have been elected in (*name of school district in full*) and I will to the best of my ability honestly and faithfully discharge the duties devolving on me as such trustee.

Dated this..... day
of..... 190...

A.B.,
Trustee.

Certificate of declaration

(2) The chairman, justice of the peace or commissioner shall thereupon grant him a certificate in the following form:

I C.D., do hereby certify that (*give name, residence and occupation of the person mentioned*) elected trustee for (*give name of school district*) has this day made before me the declaration of office as prescribed by *The School Ordinance* in that behalf.

C.D.,

Chairman, J.P., or Commissioner.

Dated this day
of 190...

C.O., c. 75, s. 33.

Organisation of Board.

First meeting of board

38. Upon the erection of a district the trustee elected for the longest term shall be notified of the erection of the district by the commissioner; and he shall thereupon within ten days after receipt of such notice call a meeting of the board in the manner provided by this Ordinance for calling such meetings for the purpose of choosing one of its number as chairman and appointing a secretary, treasurer or secretary treasurer and transacting such other business as may be necessary. 1900, c. 26, s. 4.

FORMATION OF SCHOOL DISTRICT BY COMMISSIONER.

Erection of district on order of commissioner

39. In case any portion of the Territories not exceeding five miles in length or breadth exclusive of road allowances has not been erected into a school district the commissioner may order the erection of such portion into a district provided that it contains:

- (a) Twenty children between the ages of five and sixteen inclusive;
- (b) Ten persons actually residing therein who on the erection of the district would be liable to assessment;
- (c) Six thousand acres of assessable land;

and notice of the erection of any such district shall be published in the official gazette which notice shall be conclusive evidence that the district has been duly erected and constituted in accordance with the provisions of this Ordinance.

Election of trustees

40. In case of the erection of any district in accordance with the provisions of the next preceding section the commissioner may appoint some person to call a meeting of the resident ratepayers of the district to elect trustees which person shall act as chairman of the meeting; and the election held shall be conducted in the manner provided for the election of trustees at a first school meeting; and the trustees elected shall within ten days after their election take the declaration of office and meet to organise the board as hereinbefore provided.

SEPARATE SCHOOLS.

41. The minority of the ratepayers in any district whether Protestant or Roman Catholic may establish a separate school ^{schools} ~~terrein~~; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable ^{Assessments} ~~only~~ to assessments of such rates as they impose upon them-selves in respect thereof. C. O., c. 75, s. 36.

42. The petition for the erection of a separate school ^{Petition for erection} district shall be signed by three resident ratepayers of the religious faith indicated in the name of the proposed district; and shall be in the form prescribed by the commissioner. C. O., c. 75, s. 37.

43. The persons qualified to vote for or against the erection ^{Qualification of voters} of a separate school district shall be the ratepayers in the district of the same religious faith Protestant or Roman Catholic as the petitioners. C.O., c. 75, s. 38.

44. The notice calling a meeting of the ratepayers for the purpose of taking their votes on the petition for the erection meetings of a separate school district shall be in the form prescribed by the commissioner and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the Subsequent formation of public school districts. C.O., c. 75, s. 39.

45. After the establishment of a separate school district ^{Rights and liabilities of} under the provisions of this Ordinance such separate school ^{separate} district and the board thereof shall possess and exercise all ^{school} ~~districts~~ rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

(2) Any person who is legally assessed or assessable for a Assessment public school shall not be liable to assessment for any separate school established therein. C.O., c. 75, s. 40.

SCHOOL SITE.

46. In every rural district the board shall acquire a site in ^{In rural district} the centre of the district or as near thereto as the road allowances and the securing of a dry, healthy and suitable location will permit; but in the event of it not being found convenient to have the school site located exactly in the centre of the district the board before acquiring any other site shall petition the commissioner to have it located elsewhere; and such petition shall be accompanied by a plan of the district showing:

- (a) The proposed site;
- (b) The quarter sections upon which the resident ratepayers live;
- (c) The quarter sections upon which the children between the ages of five and sixteen inclusive reside;

(d) The position of the travelled roads, bridges and physical features such as lakes, sloughs, rivers and creeks. C.O., c. 75, s. 72 (2) in part.

In town or
village district

47. In every town or village district the board may select such site as in its judgment is desirable subject to ratification by the ratepayers in the case of debentures being issued. C.O., c. 75, s. 72 (2) in part.

ALTERATION IN LIMITS OF SCHOOL DISTRICTS.

Alteration of
boundaries

48. The commissioner may by order notice of which shall be published in the official gazette alter the boundaries of any district by adding thereto or taking therefrom or divide one or more existing districts into two or more districts or unite portions of any existing district with another district or with any new district in case it has been satisfactorily shown that the rights of ratepayers under section 14 of *The North-West Territories Act* to be affected thereby will not be prejudiced and that the proposed changes are for the general advantage of those concerned. C.O., c. 75, s. 52.

Security of
debentures

49. In the case of any district having debenture indebtedness outstanding no alteration shall be made in the boundaries thereof which will prejudicially affect the rights or security of the holder of such debentures without due provision being made for the protection of such holder. C.O., c. 75, s. 53.

Adjustment of
assets and
liabilities

50. Upon the alteration of the boundaries of any district due provision shall be made for the settlement and adjustment of the assets and liabilities of the same between the districts into which the same may be divided or between the same and the portions thereof added to or taken therefrom; and the commissioner may cause the necessary inquiries to be made in order to ascertain and determine the due proportion of such assets and liabilities and the best method of settling and adjusting the same as aforesaid and may in his discretion appoint one or more persons to make such inquiries and report thereon and may prescribe and declare the terms of such settlement and adjustment and the manner in which the same shall be carried into effect and in cases in which by the terms of such settlement and adjustment any rates or taxes are required to be levied or collected upon property in any division of such district or taken from such district may prescribe by whom, at what times and in what manner such rates and taxes shall be raised, levied and collected and to whom the same or any part thereof shall be paid and by what district or districts, in what proportions and to whom the expenses of such settlement and adjustment shall be paid. C.O., c. 75, s. 53 (2).

DISORGANISATION OF SCHOOL DISTRICTS.

51. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette declare that on and after a day therein to be named any district shall be disorganised and thereupon the same and the board thereof shall cease to have or enjoy any of the rights, powers and privileges vested in such corporations by this Ordinance; and upon any such disorganisation of a district the commissioner may appoint one or more persons to adjust and settle the assets and liabilities of such district; and such person or persons so appointed shall have full power and authority to sell and dispose of and convert into money all the assets and property of such district and apply the same so far as the same will extend: first in payment of the liabilities of the said district; and second in payment of his or their remuneration as hereinafter mentioned and divide the surplus if any *pro rata* among the ratepayers of the said district entitled to share therein; and in case the amount so realised shall be insufficient to pay and satisfy the liabilities of the said district and his or their remuneration then such person or persons shall have full power and authority to assess, levy, collect and enforce payment in the same manner as boards, assessors, collectors and treasurers are authorised to do by *The School Assessment Ordinance* of such sum or sums of money as may be required to pay and satisfy such indebtedness or any balance thereof remaining unpaid and all expenses connected therewith including his or their remuneration which shall be fixed by the commissioner. C.O., c. 75, s. 55.

UNION OF PUBLIC AND SEPARATE SCHOOL DISTRICTS.

52. If in any area there exist a public school district and a separate school district and it is resolved by the ratepayers of each of such school districts at a public meeting of such ratepayers respectively called for the purpose of considering the question that it is expedient that such districts should be disorganised for the purpose of the union of the same and the erection of such area into a public school district the commissioner may by order notice of which shall be published in the official gazette disorganise such existing districts and erect such area into a public school district with such name as he may decide upon; and thereafter the commissioner may make such orders, provisions and appointments as to him shall appear proper for the carrying into effect of such disorganisation and the erection of the public school district and as to all matters incident thereto and necessary for the establishment and operation of the same as a public school district and for the carrying out therein of all the provisions of this Ordinance and for the adjustment, arrangement and winding up of all the affairs of such disorganised districts and for the settlement of their liabilities and disposition of their assets.

Provided that unless the liabilities of such disorganised districts are not otherwise liquidated the same shall be assumed by and imposed upon such newly created district and any debentures issued by the disorganised districts or either of them shall have force and effect upon the newly established district and the property and rates thereof as they had upon the district by which they were respectively issued and its property and rates ; and the trustees of such newly organised district may authorise and direct the levy and collection of such rate or rates as may from time to time be necessary for the discharging of any liability or debenture indebtedness of a disorganised district assumed by or imposed upon such new district. C.O., c. 75, s. 54.

ANNUAL SCHOOL MEETING.

In Rural and Village Districts.

Time and place of meeting

53. An annual meeting of the ratepayers of every rural and village district shall be held in the school house or some other suitable place within the district not later than the fifteenth day of January in each year commencing at the hour of ten o'clock in the forenoon standard time. C.O., c. 75, s. 43.

Public notice of meeting

54. The meeting shall be called by the board which shall at least eight days before the day for which the meeting is called post public notices giving the day, place and hour of meeting ; and such notices shall be posted up in five conspicuous places within the district one of which shall be the post office and if there be no such post office a sixth notice shall be posted up in the post office nearest thereto. C.O., c. 75, s. 43.

Chairman and secretary

55. At the time hereinbefore provided for the commencement of the meeting the chairman of the board shall take the chair and call the meeting to order and the secretary of the board or some one appointed by the chairman shall record the minutes of the meeting and perform such other duties as may be required of him by this Ordinance.

(2) In the absence of the chairman the ratepayers present shall forthwith elect one of their number to preside. C.O., c. 75, s. 44.

Chairman's vote

56. The chairman may not vote on any question whether the same is to be decided by a show of hands or a poll but in case of a tie he must give a casting vote.

Qualification of voters

57. Any ratepayer whether resident or not who has paid all taxes due by him to the district shall be entitled to take part in the annual school meeting but only resident ratepayers shall be entitled to vote for the election of a trustee.

Ratepayer to sign declaration

58. The chairman shall if requested by any ratepayer or of his own accord require any person wishing to vote for the

election of a trustee to subscribe to the declaration in form B (a) or B (b) in the schedule to this Ordinance; and any person subscribing to such declaration shall be permitted to vote at such election;

(2) Every such declaration shall be subscribed to in the witness presence of the chairman and secretary who shall subscribe their names as witnesses thereto;

(3) Any person subscribing to a declaration form B containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

(4) All declarations made under the provisions of the next preceding section shall be retained by the chairman.

59. The business of the annual meeting may be conducted in the following order:

1. Reading and approving minutes of the last annual meeting;

2. Receiving and considering the statements prepared by the teacher, trustees, treasurer, collector and auditor;

3. Receiving and considering the inspector's report;

4. Miscellaneous business;

5. Election of trustees. C.O., c. 75, s. 46.

60. The chairman upon taking his place shall immediately call upon the secretary to read the following statements and reports which shall be considered and disposed of by the meeting:

1. A statement of the teacher signed by him giving the Teacher's following particulars:

- (a) The number of days on which school was kept open during each term succeeding the last annual meeting;
- (b) The total number of children attending school during that period specifying the number of males and females respectively;
- (c) The number of children of school age residing in the district who did not attend school during the year;
- (d) The average daily attendance for each term and for the year;
- (e) The classification of pupils and the number of pupils in each standard or class;
- (f) The subjects taught in the school and the number of children studying each;
- (g) The number of scholars suspended or expelled for misbehaviour or other causes;
- (h) The date upon which the public examination of the school was held and the number of visitors present;

Trustees'

2. A statement prepared by the trustees showing :
 - (a) The names of the trustees;
 - (b) The officers of the district appointed by the trustees and their salaries;
 - (c) The vacancies created in the board during the year giving the causes thereof with an account of the elections held to fill such vacancies and the results thereof;
 - (d) The engagements entered into during the year by the board as well as an account of those entailed upon them by their predecessors;
 - (e) The number of regular and special meetings of the board held during the year together with a statement showing the number of meetings attended by each member;
 - (f) The number of visits made by each member of the board to the school while it was in operation.

Treasurer's

3. The treasurer's statement for the fiscal year ending on the thirty-first day of December preceding the annual meeting in which shall be set forth :
 - (a) The amounts of money received by the district from each source of revenue including government grants whether paid directly to the teachers or not;
 - (b) The amounts of money paid out by the district with particulars of payment;
 - (c) The amounts of money due to the district from all sources with particulars;
 - (d) The amounts of money due by the district and the terms and times of payment.

Tax collector's

4. A statement prepared by the collector of taxes and signed by him giving the following particulars :
 - (a) The number of acres of land assessed or in the case of village districts the total assessed value of all property as shown by the last revised assessment roll;
 - (b) The rate of the school tax;
 - (c) The total amount of taxes levied during the year;
 - (d) The current taxes collected during the year;
 - (e) The arrears of taxes collected during the year;
 - (f) The total arrears of taxes which are due together with a statement of the amount owing by each rate-payer.

Auditor's

5. The auditor's report.

Inspector's

6. The inspector's report received since the next preceding annual meeting was held.

7. Such further statements in relation to the affairs of the Other district as may be deemed advisable. C.O., c. 75, s. 45.

61. So soon as the other business of the district has been transacted or at two o'clock in the afternoon of the day of the meeting if the other business be not then concluded the chairman shall call for nominations for the office of trustee. C.O., c. 75, s. 22 (3) in part.

62. Each person nominated for the office of trustee shall be a resident ratepayer of the district who has paid all taxes due by him to such district and is able to read and write. C.O., c. 75, s. 31.

63. Each candidate shall be nominated by a mover and seconder each of whom shall be a resident ratepayer of the district and shall have paid all taxes due respectively by him to such district. C.O., c. 75, s. 28.

64. Nominations shall be received by the chairman for thirty minutes after he has first called for the same. C.O., c. 75, s. 22 (3) in part.

65. In case there is only one nomination the chairman shall declare the candidate nominated to be elected. C.O., c. 75, s. 29.

66. In case there are more nominations than one the chairman shall at the close of the time for receiving nominations declare a poll open for the election of a trustee. C.O., c. 75, s. 22 in part.

67. On the taking of the poll the chairman shall preside and the secretary shall record the votes as they are given as in form C in the schedule to this Ordinance. C.O., c. 75, ss 24, 25.

68. The poll shall remain open for two hours at the end of which time it shall be closed by the chairman who shall sum up the votes and declare the result. C.O., c. 75, s. 25.

69. A copy of the minutes of every annual meeting signed by the chairman and the secretary of such meeting shall be forthwith transmitted to the department. C.O., c. 75, s. 68.

In Town Districts.

70. An annual meeting of the ratepayers of every town district shall be held at the same time and place as may be appointed for the nomination of councillors or aldermen. C.O., c. 75, s. 57.

71. The trustees of every town district shall give notice to the secretary treasurer of the municipality on or before the

List of
ratepayers
not in
municipality

Supporters of
separate
schools to be
distinguished

No ballot to
S.S.S.

Municipal
procedure
to be used

Ballot for
trustee
election

Objection
to vote

Oath

fifteenth day of November in each year of the number of vacancies required to be filled to make the board complete; and they shall on or before the first day of December in each year furnish the secretary treasurer of the municipality with a list of the resident ratepayers within any portion of the district which is not included in the limits of the municipality which list shall be delivered to the returning officer by the said secretary treasurer.

(2) In the list of qualified voters to be delivered to the returning officer by the secretary treasurer of the municipality before the opening of the poll the secretary treasurer shall place opposite the names of any persons on the said list who have been returned to him as supporters of separate schools the letters "S. S. S." and the returning officer shall not deliver to any such person a ballot paper for public school trustees. C.O., c. 75, ss. 59, 61.

72. In every case in which notice is given as aforesaid the nomination and election of trustees shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as municipal nominations and elections of councillors except as to qualification to vote which shall be as provided for in this Ordinance; and the provisions of *The Municipal Ordinance* respecting the time for receiving nominations and for opening and closing the poll, the mode of voting, corrupt or improper practices, vacancies and declarations of office shall *mutatis mutandis* apply to the election of school trustees. C.O., c. 75, s. 60.

73. A separate set of ballot papers shall be prepared by the returning officer containing the names of the candidates nominated for school trustees of the same form as those used for councillors except in the substitution of the words "school trustee" for "councillor" or "alderman" on said ballot paper. C.O., c. 75, s. 63.

74. In case any objection is made to the right of any person to vote at an election of trustees in any town district the returning officer may require the person whose right of voting is objected to to make the following oath or affirmation:

I, A.B., do solemnly swear or affirm that I am a *bona fide* resident ratepayer of (*give name of district in full*) and have paid all taxes due by me to the said school district; that I am of the full age of twenty-one years; that I have not before voted at this election; and that I have not received any reward either directly or indirectly nor have I any hope of receiving any reward for voting at this time and place. So help me God.

NOTE.—*In the case of an affirmation the words "So help me God" shall be omitted.*

And every person making such declaration shall be permitted to vote for the election of trustees. C.O., c. 75, s. 62.

75. At the annual meeting held in any town district the reading of any or all of the reports mentioned in section 60 of this Ordinance may be omitted upon a resolution being passed to that effect by the ratepayers present but any ratepayer of the district shall have access to such reports and statements either during or after the meeting is held; and the board if it deem it advisable or upon being authorised to do so by resolution of the ratepayers at the annual meeting may have any or all of such reports or statements or any parts of them except the inspector's reports printed in a newspaper published in the district. C.O., c. 75, s. 58.

76. Within ten days after the annual election of trustees in any town district is held the secretary of the district shall forward to the department a certified copy of the returning officer's declaration as to the result of the poll. C.O., c. 75, s. 68.

Contested Elections in Town and Village Districts.

77. In case the validity of the election of any school trustee in any town or village district is contested the same may be tried by a judge of the supreme court in chambers; and any ratepayer of the district may be the relator for the purpose; and the judge shall in such case have the like powers as in case of contested elections of councillors under *The Municipal Ordinance*; and the proceedings and rules which obtain in such cases shall *mutatis mutandis* be followed and observed in such contested elections of school trustees. C.O., c. 75, s. 35.

DEFERRED SCHOOL MEETINGS.

78. In case from want of proper notice or other cause any first, annual or other school meeting required to be held under this Ordinance is not held at the proper time it shall be the duty of the secretary of the board when required to do so by any two resident ratepayers or by the commissioner to call a meeting of the ratepayers by posting notices in the manner prescribed by the Ordinance for such meeting; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it was called. C.O., c. 75, s. 42.

SPECIAL MEETINGS OF RATEPAYERS.

79. A special meeting of the ratepayers of any district may be held at any time for any necessary purpose not otherwise provided for by this Ordinance. C.O., c. 75, s. 72 (15).

80. It shall be the duty of the secretary of the board to call any special meeting when required to do so:

(a) By the board;

- (b) By the commissioner;
 - (c) By an inspector;
 - (d) In town and village districts by a request in writing signed by ten resident ratepayers;
 - (e) In rural districts by a request in writing signed by a majority of the resident ratepayers.
- (2) The notices calling a special meeting shall set forth the purpose of the meeting and shall be posted in the manner provided for notices of annual meetings in rural and village districts. C.O., c. 75, s. 72 (15).

Transaction limited to notice

81. At the meeting so held the ratepayers present shall elect a chairman and secretary and no business shall be considered by the meeting other than that mentioned in the notices calling the same.

AUDIT.

Audit in rural and village districts

82. The books and accounts of every rural and village district shall be audited in each year prior to the annual meeting by an official auditor in the manner prescribed by the regulations of the department.

(2) The fee payable for such audit shall be in the case of rural districts \$3 and in the case of village districts \$5 and shall be paid out of the funds of the district. C.O., c. 75, s. 66.

Audit in town districts

83. In every town district it shall be the duty of the auditor of the municipality to audit the books and accounts of such district in each year for which he shall receive no special remuneration out of the funds of the district. C.O., c. 75, s. 67.

BOARD OF TRUSTEES.

Number of Members.

Rural and village districts

Town districts

84. In rural and village districts there shall be three trustees each of whom after the first election shall hold office for three years and in town districts there shall be five trustees each of whom after the first election shall hold office for two years;

(2) Every trustee shall hold office until his successor is appointed. C.O., c. 75, ss. 64, 65.

Trustees a Body Corporate.

Corporate name

85. The trustees of every district shall be a corporation under the name of "The Board of Trustees for the..... School District No.....of the North-West Territories." C.O., c. 75, s. 69.

Organisation of Board.

86. Within ten days after his election at any meeting other than the first school meeting every trustee shall make the declaration of office provided for in section 37 of this Ordinance. C.O., c. 75, s. 33.

87. The board shall meet within ten days after such annual meeting or in the case of town districts within the first ten days of January in each year for the purpose of organising and transacting such other business as may be required. C.O., c. 75, s. 78 (1).

88. At the meeting thus held the board shall appoint a chairman and shall also appoint a secretary and a treasurer or a secretary treasurer who shall respectively hold office during the pleasure of the board and shall be allowed such remuneration as the board may fix.

(2) Any member of the board other than the chairman may be appointed secretary, treasurer or secretary treasurer.

(3) The teacher of a school district may be appointed secretary but not treasurer or secretary treasurer. C.O., c. 75, ss. 78 (1), 88.

Board Meetings.

89. A meeting of the board may be called by the chairman or any trustee. C.O., c. 75, s. 81 (2).

90. Every regular or special meeting of the board shall be called by giving two clear days' notice in writing which notice may be given by delivering such notice to each trustee or in the absence from his residence of any trustee to any adult person thereat;

Provided that the board of any district may at any meeting at which all the members of the board are present decide by resolution to hold regular meetings of the board and such resolution shall state the day, hour and place of every such meeting and no further or other notice of any such meeting shall be necessary. C.O., c. 75, s. 80; 1900 c. 26, s. 9.

(2) The board may by unanimous consent waive notice of meeting and hold a meeting at any time which consent shall be subscribed to by each member of the board and shall be recorded in the minutes of the meeting in the following form:

We the undersigned trustees of..... S. D. hereby waive notice of this meeting.

.....
.....
.....} Trustees

C.O., c. 75, s. 81.

Corporate acts **91.** No act or proceeding of any board shall be deemed valid or binding on any party which is not adopted at a regular or special meeting at which a quorum of the board is present.

Quorum (2) A majority of the board shall form a quorum. C.O., c. 75, s. 80.

One trustee not to act **92.** If the number of trustees be reduced to one that one shall immediately take the necessary steps to fill the vacancies in the board but he shall not transact any other business of the district.

Motions **93.** All questions shall be submitted to the board on the motion of the chairman or any other trustee and no seconder shall be required.

Votes of trustees **94.** At all meetings of the board all questions shall be decided by the majority of the votes and the chairman shall have the right to vote but in case of an equality of votes the question shall be decided in the negative.

Chairman pro tem (2) In case of absence of the chairman from any meeting of the board the trustees present shall elect one of their number to act as chairman of the meeting. C.O., c. 75; ss. 78 (2) 79.

Duties of Trustees and Their Officers.

Duties of trustees **95.** It shall be the duty of the board of every district and it shall have power :

Appoint officers 1. To appoint a chairman, a secretary and treasurer or a secretary treasurer and such other officers and servants as may be required by this Ordinance;

Procure seal 2. To procure a corporate seal for the district;

Reports 3. To see that all the reports and statements required by this Ordinance or by the commissioner are transmitted to the department without delay;

Records and accounts 4. To keep a record of the proceedings of each meeting of the board signed by the chairman and secretary and see that true accounts both of the school and district are kept and that the affairs of the district generally are conducted in the manner provided by this Ordinance and with due regard to efficiency and economy;

Books 5. To provide the officers of the board with the books necessary for keeping proper records of the district;

Property 6. To take possession and to have the custody and safe keeping of all the property of the district;

School accommodation 7. To provide adequate school accommodation for the purposes of the district;

School grounds, buildings and equipment 8. To purchase or rent school sites or premises, and to build, repair, furnish and keep in order the school house or houses, furniture, fences and all other school property; to keep the

well, closets and premises generally in a proper sanitary condition; and to make due provisions for properly lighting, heating, ventilating and cleaning the school room or rooms under its control and if deemed advisable to purchase or rent sites or premises for a house for the teacher and to build, repair and keep in order such house;

9. To provide wholesome drinking water for the use of the children during school hours ; Drinking water

10. To provide separate buildings for privies for boys and girls. The buildings shall be erected in the rear of the school house at least ten feet apart their entrances facing in opposite directions or otherwise effectually screened from each other.

11. To erect and keep in order if deemed advisable suitable stable stabling accommodation ;

12. To insure and keep insured the school buildings and equipment ;

13. To provide when deemed expedient a suitable library for the school and to make regulations for its management;

14. To select and provide from the list authorised by the commissioner all such reference books for the use of pupils and teachers and all such globes, maps, charts and other apparatus as may be required for the proper instruction of pupils ; Reference books and apparatus

15. To require that no text books or apparatus be used in the school under its control other than those authorised by the department ; Authorised texts

16. To exempt in its discretion from the payment of school taxes wholly or in part any indigent persons resident within the district and where deemed necessary to provide for the children of such persons text books and other supplies at the expense of the district;

17. To engage a teacher or teachers duly qualified under the regulations of the department to teach in the school or schools in its charge on such terms as it may deem expedient; the contract wherefor shall be in writing and may be in form prescribed by the commissioner and a certified copy of such contract shall forthwith be transmitted to the department ; Engage teacher

18. To suspend or dismiss any teacher for gross misconduct, neglect of duty or for refusal or neglect to obey any lawful order of the board and to forthwith transmit a written statement of the facts to the department ; Suspend or dismiss teacher

19. To see that the school is conducted according to the provisions of this Ordinance and the regulations of the department ; Conduct of school

20. To provide for the payment of teachers' salaries at least once in every three months ; Teachers' salary

21. To make regulations for the management of the school subject to the provisions of this Ordinance and to communicate them in writing to the teacher ; Management of school

- Admit Std. I pupils** 22. To provide in the case of graded schools when deemed expedient at what times pupils may be admitted to Standard I ;
- Disputes** 23. To settle all disputes arising in relation to the school between the parents or children and the teacher ;
- Suspend or expel pupils** 24. To suspend or expel from school any pupil who upon investigation by the board is found to be guilty of truancy, open opposition to authority, habitual neglect of duty, the use of profane or improper language or other conduct injurious to the moral tone or well being of the school ;
- Truancy** 25. To see that the law with reference to compulsory education and truancy is observed ;
- General** 26. To perform such other duties as may be required by this Ordinance or the regulations of the department. C.O., c. 75, s. 72.
- Duties of chairman**
- 96.** It shall be the duty of the chairman of the board ;
1. To have the general supervision of the affairs of the district ;
 2. To certify all accounts against the district passed by the board before such accounts are paid by the treasurer. C.O., c. 75, s. 82.
- Duties of secretary**
- 97.** It shall be the duty of the secretary or secretary treasurer of the board ;
1. To keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose and to see that the minutes when confirmed are signed by the chairman ;
 2. To conduct the correspondence of the board as he may be directed by the board ;
 3. To have charge of and keep on record all the books, papers, accounts, assessment rolls, plans, and maps committed to his charge by the board during his term of office and deliver the same to the chairman on ceasing to hold office ;
 4. To faithfully prepare and duly transmit to the department such reports and statements and such other information in regard to the district as may from time to time be required by the commissioner and in such form as may be provided by the commissioner ;
 5. To call at the request in writing of the chairman or any trustee a meeting of the board ;
 6. To produce the minute and other books, assessment rolls and all papers and other records of the board for inspection when required by an inspector to do so ;
 7. To prepare the statement of the trustees to be submitted at the annual meeting of the ratepayers ;
 8. To give the notice required by this Ordinance of each annual meeting of the ratepayers and to call special meetings of the ratepayers as provided by section 80 of this Ordinance, C.O., c. 75, s. 83.

98. It shall be the duty of the treasurer or secretary Duties of treasurer of the board ;

1. To give security to the board before entering upon his ^{Treasurer's bond} duties by a bond signed and acknowledged in duplicate before a commissioner, notary public or justice of the peace and such security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the board or he may furnish in lieu thereof a guarantee bond from any guarantee company authorised to do business in Canada to the amount of any moneys for which the treasurer may at any time be responsible whether arising from the school fund or from any particular contribution or donation paid into his hands for the support or benefit of the district and such security shall be renewed at ^{Renewal} the beginning of each year or renewed at other times or ^{of bond} changed whenever renewal or change is required by the board. The members of any board failing to take such bond or security from its treasurer shall be jointly and severally liable ^{Liability of} trustees for his default to the extent of the sum for which such bond should have been taken.

Provided that when the majority of the board refuse or neglect to take security from the treasurer on the demand of any trustee such demand being duly recorded in the minutes such trustee shall be relieved from all personal liability in case of the default of such officer.

Such bond may be in form prescribed by the commissioner ^{Form of bond} and a duplicate copy thereof shall be forthwith transmitted by the board to the department ;

2. To receive all school moneys collected from the ratepayers ^{Receive school moneys} or other persons for the purposes of the district of which he is treasurer and to disburse such moneys in the manner directed by the board ;

3. To pay all accounts against the district only when they ^{Pay accounts} are certified by the chairman of the board ;

4. To keep in a cash book provided for the purpose a ^{Keep cash book} complete and detailed record of all moneys received and disbursed for school purposes including government grants which may have been paid directly to the teacher ;

5. To give and take receipts for all school moneys received ^{Receipts} and paid out and to keep on file all vouchers of expenditure ;

6. To close and balance the books of the district at the end ^{Close books} of the school year which shall be on the 31st day of December in each and every year ;

7. To produce when called for by the trustees, auditor, ^{Produce books and vouchers} school inspector or other competent authority all books, vouchers, papers and moneys belonging to the district and to hand over the same to the trustees or any person named by them upon his ceasing to hold office ;

8. To prepare at the end of each year and in the manner ^{Prepare statement} provided by this Ordinance a statement of the finances of the district to be submitted to the annual meeting of the rate-payers ;

Reports to department

9. To faithfully prepare and duly transmit to the department such reports and statements with reference to the finances of the district as may from time to time be required by the commissioner and in such form as may be provided by the commissioner. C.O., c. 75, ss. 90, 91.

Returns to department

Half Yearly and Yearly Returns.

99. The board of every district shall cause to be prepared by the proper officers of the district and transmitted to the department the half yearly and yearly returns respecting attendance and classification of pupils and the finances of the district which returns shall be in form prescribed by the commissioner.

Penalty for neglect to forward returns

2. In case the board of any district neglects or refuses to have prepared and transmitted to the department such half yearly and yearly returns within thirty days from the close of the half year or year as the case may be such district shall forfeit the sum of \$10 out of any government grant which may have been earned and to which the district is entitled for each week that the returns are delayed and the trustees through whose neglect or refusal such sums have been forfeited shall be jointly and severally responsible for the amount thus lost to the district which amount may be recovered by action in the supreme court of the Territories by any person authorised by the commissioner to bring such action. C.O., c. 75, s. 116 (4).

Liability of trustees

Resignation of Trustees.

Notice of resignation

100. Any trustee wishing to resign may do so by sending notice in writing to the remaining member or members of the board who shall immediately take the necessary steps to fill the vacancy and such resignation shall only take effect upon the election of a new trustee.

2. A trustee who resigns his office may be re-elected with his own consent. C.O., c. 75, s. 74.

Disqualification of Trustees.

Seat vacated by conviction for crime, etc.

101. Any trustee who is convicted of any felony or misdemeanour or becomes insane or absents himself from the meetings of the board for three consecutive months without being authorised by resolution entered upon its minutes or ceases to be an actual resident within the district for which he is a trustee shall *ipso facto* vacate his seat and the remaining trustee or trustees shall declare his seat vacant and forthwith order a new election to fill any vacancy thus created.

Seat vacated by interest in contract with corporation

102. No trustee shall take or possess any pecuniary interest, profit or promise or expected benefit in or from any contract, agreement or engagement either in his own name or in the name of another with the corporation of which he is a

member or shall receive or expect to receive any compensation for any work, engagement, employment or duty on behalf of such corporation except as secretary, treasurer, secretary treasurer or for a school site.

(2) Any trustee violating any of the provisions of this section shall thereby forfeit his seat and the remaining trustees shall declare the seat vacant and it shall thereby become vacant and an election to fill the vacancy so created shall be held forthwith. C.O., c. 75, s. 71.

Elections to Fill Vacancies.

103. When any vacancy is created in the board of any village or rural district it shall be the duty of the remaining trustee or trustees in office to forthwith call a special meeting of the ratepayers of the district to elect the required number of trustees to complete the board : Time of election

Provided that if any vacancy is not filled within one month the commissioner may appoint some qualified person to fill the same. C.O., c. 75, s. 75.

104. In rural and village districts the election of a trustee to fill any vacancy shall only be held at a special meeting called for the purpose and in the same manner as at the annual meeting except that nominations shall be received by the chairman for thirty minutes from ten o'clock in the forenoon and the poll shall remain open for two hours after nominations close. Conduct of election—rural and village districts

(2) In town districts the election of a trustee to fill any vacancy shall be held in the same manner as is provided by this Ordinance for the annual election of trustees in town districts. C.O., c. 75 (2).

105. A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected and he shall within ten days after his election take the declaration of office provided for in section 37 of this Ordinance. Term of office of new trustee

BORROWING POWERS OF DISTRICT.

By Note.

106. The board of any district may by resolution authorise its chairman and treasurer to borrow from any person, bank or corporation such sum of money as may be required to meet the expenditures of the district until such time as the taxes levied for the current year are available and such loan shall be repaid out of and shall be a first charge upon the taxes which are collected for the year in which the loan was made and may be secured by the promissory note or notes of the chairman and treasurer given on behalf of the board. C.O., c. 75, s. 77. For current expenses

For school
grounds and
buildings

107. The board of any district may upon receiving the approval of the commissioner borrow a sum of money not to exceed \$500 for the purposes of securing or improving a school site or purchasing, repairing, erecting, furnishing or adding to any school building or for all or any of the said purposes:

Provided that any such loan shall be made repayable in equal annual instalments with interest not to exceed eight per cent. per annum and may be extended over a period of not more than five years; and any such loan may be secured by the promissory note or notes of the chairman and treasurer given on behalf of the board. C.O., c. 75, s. 76.

By Debenture.

Bylaw to
raise money
by debenture

108. Should it appear desirable to the board of any district that a sum of money should be borrowed upon the security of the district for the purchase or improvement of a school site or a site for the teacher's house or for the erection, purchase or improvement of a teacher's house or of a school building or buildings or for furnishing such school buildings or for the purchase of suitable play grounds for the children attending the school or schools of the district or for the payment of any existing debenture indebtedness or for all or any of the said purposes it shall pass a bylaw to that effect which may be in form D in the schedule to this Ordinance or to the like effect and which shall be under the corporate seal of the district. C.O., c. 75, s. 197.

Repayment of
loan

109. In any case of passing a bylaw for contracting a debt by borrowing money for any purpose mentioned in the next preceding clause the board shall make the principal of the debt repayable by equal annual instalments during the currency of the period within which the debt is to be discharged; and may issue the debentures of the corporation for the amounts and payable at the times corresponding with such instalments together with interest annually as may be set forth and provided in the bylaw.

Power to issue
debentures

110. Before proceeding to borrow such sum of money the board shall receive the sanction of a majority of the votes of the ratepayers of the district voting thereon as hereinafter provided. C.O., c. 75, s. 197.

Sanction of
ratepayers

111. The board shall give notice in form E in the schedule to this Ordinance or to the like effect of the time and place of the polling by notices posted up in at least five widely separated and conspicuous places throughout the district at least fourteen clear days before the polling one of which notices shall be posted in the post office situated within the district and should there be no such post office a sixth notice shall be posted in the post office nearest thereto. C.O., c. 75, s. 198.

Notice of
polling

112. A certified copy of the bylaw and of the notice of polling shall be forwarded forthwith to the commissioner by the secretary of the board. C.O., c. 75, s. 199.

113. The chairman of the board or some person appointed by it shall be returning officer for the poll to be taken and the secretary of the board or some person appointed by the returning officer shall be poll clerk. C.O., c. 75, s. 200.

114. At the time and place appointed in the notice the returning officer shall declare the poll open and the poll clerk shall record the votes as they are given in a poll book which may be in form F in the schedule to this Ordinance. C.O., c. 75, s. 201 in part.

115. A copy of the notice of polling shall be kept in a conspicuous place where the vote is taken. C.O., c. 75, s. 201 in part.

116. Every ratepayer except the returning officer whose name appears on the last revised assessment roll of the district and who has paid all taxes due by him to the district shall be entitled to vote on the bylaw. C.O., c. 75, s. 201 in part.

117. The returning officer shall admit any two ratepayers who have respectively voted yea and nay into the polling place to act as scrutineers and on demand allow either or both of them to see any vote recorded in the poll book. C.O., c. 75, s. 201 in part.

118. The returning officer shall if requested by any ratepayer or of his own accord require any person tendering a vote to subscribe to the declaration in form B (c) in the schedule to this Ordinance and any person subscribing to such declaration shall be permitted to vote.

(2) Every such declaration shall be subscribed to in the presence of the returning officer and poll clerk who shall subscribe their names as witnesses thereto.

(3) All declarations made under the provisions of the next preceding section shall be retained by the returning officer.

119. If a person who desires to vote refuses or fails to sign the declaration when required to do so the poll clerk shall write in the column headed "remarks" in the poll book the words "refused declaration" and the person so refusing shall at once leave the polling place and shall not be allowed to enter it again or vote.

120. Any person subscribing to a declaration form B (c) containing any false statement shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$10.

Closing poll

121. At the time appointed in the notice of voting the returning officer shall close the poll, sum up the votes and declare the result.

(2) In the case of a tie the returning officer shall give a casting vote. C.O., c. 75, s. 291 in part.

Complaints re conduct of poll

122. Should any ratepayer of the district make a complaint in writing to the returning officer within three days next after the taking of the poll with regard to the manner in which the poll was conducted the right of any person to vote or the result of the voting the returning officer shall forthwith notify such ratepayer in writing of the time and place within seven days of the day of voting when he shall appear before a justice of the peace for a final recount of votes and when all complaints which may have been made shall be heard.

Returning officer's returns to commissioner

123. In case no such complaint is duly lodged with the returning officer he shall at the expiration of three days after the taking of the poll forthwith forward to the commissioner a certified copy of the poll book showing the total number of votes cast for and against the bylaw and he shall make an affidavit which shall be inscribed thereon that the poll was conducted throughout in the manner provided by this Ordinance or with such exception as he shall mention that the returns contained therein are correct and that no complaints as provided for by the next preceding section were received by him.

Proceedings before justice of peace

124. In the event of any complaint being made as aforesaid the returning officer shall appear before a justice of the peace at the time and place appointed and he shall deliver to the justice of the peace the poll book used by him at the poll and shall make an affidavit before the justice of the peace which shall be written in or upon such book that the election has been conducted throughout in the manner provided by this Ordinance or with such exceptions as he shall mention and that the returns contained therein are correct.

(2) The justice of the peace shall then receive and record in writing any complaint that may be made under oath by any person relative to the conduct of the voting and shall examine into and decide such complaints by taking evidence under oath. C.O., c. 75, s. 202.

Security for costs

125. Before proceeding to the hearing of any complaint the justice of the peace shall require the complainant to deposit with him such sum not being less than \$25 nor more than \$100 as may seem necessary to him to cover the costs of the hearing of the complaint which costs shall be paid according to the decision of such justice of the peace.

Proceedings essentially irregular

126. If it be found that the proceedings in taking the vote have been irregular in any essential particulars and that injustice has thereby been done the poll shall be declared null and

void and of no effect and the justice shall forthwith forward to the department a full report to that effect.

2. If it be found that any vote has been cast by any person ^{Corrupt practices} not duly qualified to vote or on account of bribery or intimidation it shall be struck off the poll book. C.O., c. 75, s. 204.

127. When all complaints have been heard and decided upon and the corresponding alterations duly made in the poll book the justice of the peace shall finally sum up the votes cast and shall forward to the department a return in form G in the schedule hereto or to the like effect showing the total number of votes taken and the number remaining on each side after the recount. C.O., c. 75, s. 205.

128. Upon receipt of the return mentioned in section 123 ^{Approval of commissioner} or section 127 hereof and upon being satisfied that the several conditions required by this Ordinance have been complied with the commissioner may in writing authorise the board of trustees to borrow the sum or sums of money mentioned in the bylaw and shall publish notice of authorisation in the official gazette. The board may thereupon issue a debenture or debentures to secure the amount of the principal and interest of the loan so authorised or of any less sum upon the terms specified in the bylaw and the debenture or debentures and the coupons thereto shall when signed by the chairman and treasurer of the district be sufficient to bind the district and create a charge or lien against all school property or rates in the district.

(2) The total face value of the debentures issued by any ^{Limit of debentures} village or town district shall not be for a greater sum than one-tenth of the total assessed value of the real property within such district as shown by the last revised assessment roll of the district nor by any rural district for a greater sum than twenty-five cents per acre for each acre assessed as shown by the last revised assessment roll of the district.

(3) Debentures shall not run for a longer term than twenty ^{Term of debenture} years if the school buildings are of brick, brick veneer, concrete or stone nor for a longer period than ten years if the buildings are of frame or log.

(4) Debentures shall not carry interest at a greater rate than ^{Interest} eight per centum per annum.

(5) Debentures may be dated at any time within twelve ^{Date and form} months from the date on which notice of the authorisation of the loan appears in the official gazette and shall be in the form following or to the like effect :

\$

Debenture No.

(Give full name of school district)

The board of trustees or official trustee as the case may be of (give full name of district) promise to pay the bearer at the at the sum of

dollars of lawful money of Canada in equal instalments from the date hereof with interest at the rate of per cent. per annum on the terms and in the amounts specified in the coupons attached hereto.

A.B.,

Chairman.

C.D.,

Treasurer.

(*Or Official Trustee.*)

Dated this

day of

190 .

COUPONS.

Coupon No.

Debenture No.

The board of trustees (*or official trustee*) of will pay to the bearer at the bank at on the day of , 190 , the sum of dollars being the payment with the total interest at the rate of per cent. per annum due on that day on school debenture No.

A.B.,

Chairman.

C.D.,

Treasurer.

(*Or Official Trustee.*)

C.O., c. 75, ss. 207, 208.

Registration

129. Every debenture before being issued shall be sent for registration to the commissioner who shall cause a proper record to be kept of the same.

Commissioner
shall
countersign

130. The commissioner shall thereupon if satisfied that the requirements of this Ordinance have been substantially complied with and if the authority to make the loan has not been withdrawn register and countersign the debenture and such countersigning by the commissioner shall be conclusive evidence that the district has been legally constituted and that all the formalities in respect to such loan and the issue of such debenture have been complied with and the legality of the issue of such debenture shall be thereby conclusively established and its validity shall not be questionable by any court in the Territories but the same shall to the extent of the revenues of the district issuing the same be a good and indefeasible security in the hands of any *bona fide* holder thereof.

CONDUCT OF SCHOOLS.

Fees.

Free school

131. No fees shall be charged by the board of any district on account of the attendance at its school of any child whose parent or lawful guardian is a ratepayer of the district;

Provided that if the board of any district maintains one or more departments in its school exclusively for pupils above Standard V as it may be defined from time to time by the regulations of the department it may charge the parent or lawful guardian of any pupil in attendance at any such department a fee not exceeding nine dollars for the first term and six dollars for the second term in any year if such parent or lawful guardian is a resident ratepayer of the district and in case such parent or lawful guardian is not a resident ratepayer of the district a fee not exceeding thirteen dollars for the first term and eight dollars for the second term and all such fees shall be payable at such times and in such amounts as may be determined by the board. C.O., c. 75, s. 113.

School Terms.

132. The school year shall begin on the first day of January and end on the thirty-first day of December and shall be divided into two terms ending the thirtieth day of June and the thirty-first day of December respectively. C.O., c. 75, s. 106.

Hours.

133. School shall be held between nine o'clock and twelve o'clock in the forenoon and half-past one o'clock and four o'clock in the afternoon of every day standard time not including Saturdays, Sundays or holidays, but the board may alter or shorten the school hours upon receiving the permission of the commissioner.

(2) A recess of fifteen minutes in the forenoon and in the afternoon shall be allowed the children attending school. C.O., c. 75, s. 105.

Vacation and Holidays.

134. In any school open during the whole year there shall be seven weeks' holidays of which not less than two nor more than six shall be given in summer and not less than one nor more than five in winter to be apportioned at the discretion of the board. The summer holidays shall fall between the second day of July and the thirty-first day of August and the winter holidays shall commence on the twenty-fourth day of December in all schools.

(2) The board of any district in which the school is open during the whole year may allow two weeks' additional holidays.

(3) When a school is open only during a portion of the year the board may give holidays not to exceed two weeks beginning on the second day of July:

Provided that the commissioner may on proper representation being made to him allow the board to give holidays not exceeding two weeks at some other time. C.O., c. 75, s. 107.

Holidays

135. Ash Wednesday, Good Friday, Easter Monday, Arbour Day (second Friday in May), the birthday of the reigning sovereign, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Christmas Day, New Year's Day and any day specially appointed as a holiday by the Governor General, the Lieutenant Governor of the Territories, the mayor of a city or town or the reeve of a rural municipality shall be holidays; and it shall be at the discretion of the board to permit any other holidays not exceeding one day at a time. C.O., c. 75, s. 108.

Language to be Used.

English language compulsory

136. All schools shall be taught in the English language but it shall be permissible for the board of any district to cause a primary course to be taught in the French language.

Other languages may be taught

(2) The board of any district may subject to the regulations of the department employ one or more competent persons to give instruction in any language other than English in the school of the district to all pupils whose parents or guardians have signified a willingness that they should receive the same but such course of instruction shall not supersede or in any way interfere with the instruction by the teacher in charge of the school as required by the regulations of the department and this Ordinance;

Special rate for the purpose

(3) The board shall have power to raise such sums of money as may be necessary to pay the salaries of such instructors and all costs, charges and expenses of such course of instruction shall be collected by the board by a special rate to be imposed upon the parents or guardians of such pupils as take advantage of the same. C.O., c. 75, s. 109.

Religious Instruction.

Religious instruction

137. No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one half hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.

Time for the Lord's prayer

(2) It shall however be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer. C.O., c. 75, s. 110.

Attendance not compulsory during religious exercise

138. Any child shall have the privilege of leaving the school room at the time at which religious instruction is commenced as provided for in the next preceding section or of remaining without taking part in any religious instruction that may be given if the parents or guardians so desire. C.O., c. 75, s. 111.

No pupil to be deprived of ordinary education

139. No teacher, school trustee or inspector shall in any way attempt to deprive such child of any advantage that it might derive from the ordinary education given in such school and

any such action on the part of any school trustee, inspector or teacher shall be held to be a disqualification for and voidance of the office held by him. C.O., c. 75, s. 112.

Kindergarten Classes.

140. Kindergarten classes may be established in any school ^{Ages and fees} for the teaching and training of children between the ages of four and six years according to kindergarten methods and in such school a fee may be charged not exceeding \$1 per month for each pupil to cover cost of maintaining such department. C.O., c. 75, s. 114.

Night Classes.

141. The board of any district may engage a qualified ^{How main-} teacher and make necessary arrangements at the expense of ^{tained} the district for the maintenance of a night school;

Provided that if the school is kept open for one month a fee ^{Fees} may be charged of not more than \$2 per month for each month or portion of month that the pupil is in attendance. C.O., c. 75, s. 115.

COMPULSORY EDUCATION.

142. In every district where there are at least fifteen ^{Schools to be open all year} children between the ages of seven and fourteen inclusive resident within a radius of one mile and a half from the school house it shall be compulsory for the board of such district to keep the school open the whole year. C.O., c. 75, s. 225.

143. In every district where there are at least ten ^{Schools to be open six months} children between the ages of seven years and fourteen years inclusive it shall be compulsory for the board of such district to keep the school in operation at least six months in every year. C.O., c. 75, s. 226.

144. Every parent, guardian or other person resident in a ^{Compulsory attendance} school district having charge of any child or children between the ages of seven and twelve inclusive shall be required to send such child or children to school for a period of at least sixteen weeks in each year at least eight weeks of which time shall be consecutive; and every parent, guardian or other person who does not provide that every such child under his care shall attend school or be otherwise educated shall be subject to the penalties hereinafter provided. C.O., c. 75, s. 227.

145. It shall be the duty of the board of every district or ^{Trustees to lay complaints for non-attendance} a person authorised by it after being notified that any parent, guardian or other person having control of any child or children neglects or violates the provisions of the next preceding section to make complaint of such neglect or violation to a justice of the peace and the person complained against shall on summary conviction be liable to a fine not

**Justice to
investigate
cause of non-
attendance**

exceeding \$1 for the first offence and double that penalty for each subsequent offence. C.O., c. 75, s. 228.

146. It shall be the duty of the justice of the peace to ascertain as far as may be the circumstances of any party complained of for not sending his child or children to school or otherwise educating him or them and he shall accept any of the following as a reasonable excuse:

**Excuses to be
accepted**

1. That the child is under instruction in some other satisfactory manner;
2. That the child has been prevented from attending school by sickness or any unavoidable cause;
3. That there is no school open which the child can attend within such distance not exceeding two and one-half miles measured according to the nearest passable road from the residence of such child;
4. That such child has reached a standard of education of the same or of a greater degree than that to be attained in the school of the district within which such child resides;
5. That such parent or guardian was not able by reason of poverty to clothe such child properly or that such child's bodily or mental condition has been such as to prevent his or her attendance at school or application to study for the period required. C.O., c. 75, s. 229.

Truancy.

Truant officer

147. The board of any district may appoint a truant officer who shall for the purposes of this Ordinance be vested with police powers and it shall have authority to make regulations for the direction of such officer in the enforcement of the provisions of this Ordinance as it may deem expedient provided such regulations are not inconsistent with any of the provisions of this Ordinance and have been approved by the commissioner. C.O., c. 75, s. 230.

**Truant officer
to lay com-
plaint**

148. If the parent, guardian or other person having the legal charge of any child shall neglect or refuse to cause such child to attend some school within five days after being notified as herein required unless excused from such attendance as provided in this Ordinance the truant officer shall make or cause to be made a complaint against such person before a justice of the peace and such person shall be liable on summary conviction to a fine not exceeding \$1 and costs for the first offence and double that penalty for each subsequent offence:

Provided that in other than town districts the provisions of the foregoing clauses relating to truancy shall not apply to children who may reside more than one mile from the school house. C.O., c. 75, ss. 231, 232.

TEACHER.

Qualification.

149. No person shall be engaged, appointed, employed or retained as teacher in any school unless he holds a valid certificate of qualification issued under the regulations of the department. C.O. c. 75, s. 99.

Engagement and Dismissal.

150. A teacher shall not be engaged except under the authority of a resolution of the board passed at a regular or special meeting of the board.

151. The contract entered into shall be in the form prescribed by the commissioner and such form may be altered or amended as may be mutually agreed upon by the contracting parties provided such alterations or amendments are not inconsistent with any of the provisions of this Ordinance or the regulations of the department. C.O., c. 75, s. 72 in part.

152. The contract shall be deemed valid and binding if signed by the teacher and by the chairman on behalf of the board.

153. Any teacher who has been suspended or dismissed by the board may appeal to the commissioner who shall have power to take evidence and confirm or reverse the decision of the board and in the case of reversal he may order the reinstatement of such teacher:

Provided that in case there is no appeal to the commissioner or in the event of an appeal if the decision of the board is sustained the teacher shall not be entitled to salary from and after the date of such suspension or dismissal.

Payment of Teachers.

154. Every teacher shall be paid the amount of salary due to him at least once in every three months and it shall be the duty of the board to make due provision for such payment. C.O., c. 75, s. 103 (3).

155. The salary of a teacher who has been engaged in any district for four months or more continuously shall be estimated by dividing the rate of salary for the year by 210 and multiplying the result obtained by the number of actual teaching days within the period of his engagement;

Provided that if a teacher has taught more than 210 days in any calendar year he shall only be entitled to a year's salary. C.O., c. 75, s. 103 (2).

Salary in case
of sickness

156. Every teacher in case of sickness certified by a qualified medical practitioner shall be entitled to his salary during such sickness for a period not to exceed four weeks for the entire year which period may be increased by the board. C.O., c. 75, s. 104.

Payment of
salary

157. A teacher whose agreement with a board has expired or who is dismissed by them shall be entitled to receive forthwith all moneys due him for his services as teacher while employed by said board; if such payment be not made by the board or tendered to the said teacher he shall be entitled to recover the full amount of his salary due and unpaid with interest in any court of competent jurisdiction. C.O., c. 75, s. 103 in part.

Duties of Teacher.

158. It shall be the duty of every teacher :

Teaching

1. To teach diligently and faithfully all the subjects required to be taught by the regulations of the department;

Discipline

2. To maintain proper order and discipline and to conduct and manage the school according to the regulations of the department;

Time table

3. To keep in a conspicuous place in the school room a time table which shall show the classification of pupils, the subjects taught each day in the week, the length of each recitation period and the seat work given; and to submit such time table to the inspector for his approval and signature on the occasion of his visit to the school;

Register

4. To keep in the prescribed form the school registers and to give access to them to trustees, officers of the board, inspectors and any other person authorised thereto by the commissioner;

Promotions

5. To make at the end of each term or at any other time such promotions from one class or standard to another as he may deem expedient subject to the ratification of the inspector at his next visit;

Public examinations

6. To hold during each year a public examination of his school of which he shall give due notice to the board and through the pupils to their parents or guardians;

Monthly reports

7. To send monthly to the parents or guardian of each pupil if required by the board a report of the pupil's attendance, conduct and progress;

Arbour day

8. To encourage the observance of Arbour Day by holding suitable exercises, to take an interest in the cleanliness and tidiness of the school grounds and to secure the co-operation of trustees and parents in planting trees and shrubs about the school;

Sanitary condition of
school room

9. To give strict attention to the proper heating, ventilation and cleanliness of the school house and to the condition of the

outhouses in connection with the same and to report to the board any defect with respect thereto;

10. To exercise vigilance over the school property, the care of buildings, fences, furniture and apparatus so that they may not receive unnecessary injury and to give prompt notice in writing to the board of any such injury;

11. To report to the secretary of the board any necessary needed repairs to the school buildings or furniture and any required supply of fuel, drinking water, furniture or equipment;

12. To see that the provisions of clause 10 of section 95 of Privies this Ordinance have been complied with and if not to report to the board and in case of any neglect on the part of the board to notify the commissioner;

13. To notify the chairman of the board whenever he has reason to believe that any pupil attending school is affected with or exposed to small pox, cholera, scarletina, diphtheria, whooping cough, measles, mumps or other infectious or contagious disease and to prevent the attendance of any pupil so affected or exposed or suspected of being affected or exposed until furnished with the written statement of a physician or the chairman of the board that such contagious or infectious disease does not exist or that all danger from exposure to any of them has passed away;

14. To suspend from school any pupil for violent opposition to authority and to forthwith report in writing the facts of such suspension to the board which may take such action with regard thereto as it may deem necessary;

15. To assist the board and its officers in making the prescribed returns to the department;

16. To furnish to the commissioner, the inspector of schools, the board or any person appointed by the commissioner any information which it may be in his power to give respecting anything connected with the operation of the school or in any wise affecting its interests or character;

17. To deliver up any school registers, school house key or other property of the district in his possession when required to do so by a written order of the board;

18. To attend all meetings of the teachers called by the principal where more than one teacher is employed. C.O., c. 75, s. 102.

Duties of Principal.

159. In every school in which more teachers than one are employed the head teacher shall be called the principal and the other teachers assistants. C.O., c. 75, s. 100.

160. The principal shall prescribe with the concurrence of the board the duties of the assistants and shall be responsible for the organisation and general discipline of the whole school. C.O., c. 75, s. 101.

Teachers' Associations.

Meetings subject to regulations

161. Any number of teachers may organise themselves into an association and subject to the regulations of the department may hold conventions and institutes for the purpose of receiving instruction in and discussing educational matters. C.O., c. 75, s. 116 (2).

EDUCATION OF NONRESIDENT CHILDREN.

Application for education of nonresident children

162. The parent or lawful guardian of any child residing outside the limits of any district may apply to the board for the admission of such child to its school and it shall be the duty of the board to admit such child;

Inspector's statement required

Provided always that the board may demand that the application for the admission of any nonresident child be accompanied by a statement from the inspector of the district to the effect that the accommodation of the school is sufficient for the admission of such child;

Fees

Provided further that the board may demand from such parent or guardian the payment of school fees at a rate not exceeding four cents per day per family which fees shall be payable monthly in advance and shall be calculated according to the number of actual teaching days in each month.

Resident children

163. The parent or lawful guardian of any child residing within the limits of any district and who is not a ratepayer thereof may send his children to the school operated within the district subject to the second proviso of the next preceding section.

Application of nonresident to have property assessed

164. Any person not living within a district may apply to the board of any district to have his or her property if not already included in any other district assessed in such district to secure the advantages of education for his children and in any such case on the report of an inspector that the accommodation of the school room is sufficient for the admission of the children of such person the board shall receive such application and place the said property on the assessment roll of the district and such property shall remain liable to assessment in such district until a new district is established including the said property; and for the purpose of enforcing payment of taxes and of all remedies therefor the said property shall be deemed to be within the school district on whose assessment roll it is placed. C.O., c. 75, s. 12.

CONVEYANCE OF SCHOOL CHILDREN.

From One District to Another.

Agreement boards for education of children of another district

165. Upon a petition hereinafter provided for being transmitted to the commissioner he may empower the board of any rural district to enter into an agreement with any other board

or boards for the education of the children of its district upon such terms as may be mutually agreed upon and approved by him and the board entering into any such agreement shall have full power and authority to make the necessary levy and assessment for the purpose of carrying out the terms of the agreement and for providing for the conveyance of children to and from school under the provisions of *The School Assessment Ordinance*.

Provided that any such agreement may be terminated by any board a party thereto by giving notice on or before the first day of October in any year and upon such notice being given the agreement shall cease and determine on the last day of the month of December following.

(2) The petition for permission to enter into such an agreement may be in form prescribed by the commissioner and shall be signed by at least two-thirds of such resident ratepayers of the district as are the parents or guardians of children between the ages of five and sixteen years inclusive.

(3) The statements contained in the petition shall be verified by the affidavit of two of the subscribing petitioners and the signatures of the ratepayers signing the petition shall be verified by the affidavit of a subscribing witness thereto. C. O., c. 75, s. 215.

166. The commissioner may subject to the approval of the Lieutenant Governor in Council make such regulations as are deemed necessary and expedient for the proper conveyance of the children as hereinbefore provided and for the keeping of proper records of the number of children conveyed, the distance travelled, the cost of conveyance and such other information as may be desired.

Within the School District.

167. The board of any district may make due provision subject to the regulations of the department in that behalf for the proper conveyance of the school children resident within the district to and from school and it shall have power to provide for the cost of such conveyance in the same manner as is provided for the other expenditures of the district.

(2) The secretary of every district in which provision is made as aforesaid shall forthwith notify the commissioner.

PENALTIES AND PROHIBITIONS.

168. Any board or any member thereof that wilfully neglects or refuses to exercise or to assist in exercising all the corporate powers vested in such board by this Ordinance for the fulfilment of any contract or agreement made by it shall be personally responsible for the fulfilment of such contract or agreement.

**Liability of trustees.
Unauthorised contracts**

169. Should the board of any district wilfully contract liabilities in the name of the district greater or other than as provided or allowed by this Ordinance or appropriate any of the moneys of the district for purposes other than are provided or allowed by this Ordinance the treasurer of the district or some other person authorised by the commissioner may recover as a debt in a court of competent jurisdiction from such board jointly or severally the sum or sums for which the district has been rendered liable through the action of such trustees over and above the amount so provided by this Ordinance in addition to the total amount of any moneys that have been misappropriated by such trustees. C.O., c. 75, s. 96.

False report or register

170. If any trustee knowingly signs a false report or if any teacher keeps a false school register or knowingly makes a false return he shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$20.

Wrongful detention of property of district

Penalty

171. Any trustee, officer or employee of a district who after ceasing to hold office detains any money, book, paper or thing belonging to the district shall thereby incur a penalty not exceeding \$20 for each day during which he wrongfully retains possession of such money, book, paper or thing after having received notice in writing from the chairman of the board or from the commissioner requiring him to deposit the same in the hands of some person mentioned in such notice. C.O., c. 75, s. 94.

Misconduct of returning officer

172. Any returning officer of any district or proposed district acting under the provisions of this Ordinance who shall knowingly and wilfully prejudice the result of any voting by preventing votes from being taken or by taking unlawful votes or by altering returns or books in any way or by any other means shall be liable to a penalty of not less than \$10 and not exceeding \$100. C.O., c. 75, s. 95.

Penalty for disturbing school or meetings

173. Any person who wilfully disturbs, interrupts or disquiets the proceedings of any school meeting authorised to be held by this Ordinance or any one who wilfully interrupts or disquiets any school established and conducted under its authority by rude or indecent behaviour or by making a noise either within the place where such school is kept or held or so near thereto as to disturb the order of exercises of the school shall be guilty of an offence for which he shall forfeit for the use of the district within which the offence was committed a sum not exceeding \$20.

Trustee can not be teacher

174. No school trustee shall be eligible to appointment as teacher within the district of which he is a trustee; nor shall the teacher of any school hold the office of school trustee.

Recovery of fines

175. All fines, penalties and forfeitures mentioned in this Ordinance may be recovered and enforced with costs on summary conviction before a justice of the peace. C.O., c. 75, s. 97.

176. All moneys accruing from fines or penalties under Application of this Ordinance shall unless otherwise provided belong to the ^{penalties} general revenue fund of the Territories. C.O., c. 75, s. 98.

MISCELLANEOUS.

177. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette declare that for the purposes of this Ordinance any town district shall be deemed to be a village district and thereafter all the provisions of this Ordinance relating to village districts shall apply thereto.

178. All school districts heretofore erected or purporting so to be are hereby confirmed as districts legally established under this Ordinance with any alterations of boundaries made or purporting to have been made and all debentures issued by the trustees or commissioners of any such school districts are hereby confirmed and declared to be legal and valid charges upon the property of the districts issuing the same notwithstanding any defect or irregularity in any proceeding in respect of or preliminary to the erection of such districts or alterations of the boundaries thereof or the issuing of such debentures.

179. *The School Ordinance* being chapter 75 of *The Consolidated Ordinances 1898* and chapter 26 of the Ordinances of 1900 amending the same are hereby repealed:

Provided however that sections 116 to 196 and 212 to 214 all inclusive shall continue in force until the first day of January, 1902.

180. This Ordinance shall come into force on the first day of September, 1901.

SCHEDULE.

FORM A.

Proposed School District of the N.W.T.
(Proposed name of district)

The undersigned severally declare each for himself that he of the full age of twenty-one years, that he actually resides in the above named proposed school district and that he so resided therein and owned or been the occupant of assessable property therein for a period of at least two months immediately prior to this date.

Names.	Property owned or occupied.

Witnesses to above signatures:

..... Chairman

Secretary

Dated the day of 190 ..

FORM B

(a)

(This form should be used for resident ratepayers in any established district not having a revised assessment roll.

The.....S. D. No....of the N.W.T.

The undersigned severally declare each for himself that he is of the full age of twenty-one years, that he actually resides within the above named district and that he has owned or been the occupant of assessable property therein for a period of at least two months prior to this date.

Names.	Property owned or occupied.
	ts its ise so oo the l a

Witnesses to the above signatures:

.....

Chairman.

Dated the day of 190

(b)

(This form should be used for resident ratepayers in any district that has a revised assessment roll.)

The..... S.D. No.... of the N.W.T.

The undersigned severally declare each for himself that he is of the full age of twenty-one years, that he actually resides within the above named district, that his name appears on the last revised assessment roll of the district and that he has paid all taxes due by him thereto.

Names.	Property owned or occupied.

Witnesses to the above signatures:

..... Chairman.

..... Secretary.

Dated the..... day of..... 190

(c)

(This form should be used for ratepayers of any established district.)

The..... S.D. No.... of the N.W.T.

The undersigned severally declare each for himself that he is of the full age of twenty-one years, that his name appears on the last revised assessment roll of the above named district and that he has paid all taxes due by him thereto.

Names.	Property owned or occupied.

Witnesses to the above signatures:

.....
Chairman.

.....
Secretary.

Dated the day of 190

FORM C.

POLL BOOK.

Election of Trustees for the S.D. No. of the N.W.T.

Date of Poll ; Poll opened ; Poll closed

Name of voter.	Person voted for.	Remarks.

.....
Chairman.

FORM D.

BYLAW NO.

A bylaw relating to the issue of debentures of the (*give full name of school district*).

Whereas it is necessary and desirable that the sum of dollars should be borrowed on the security of the (*give full name of district*) for the purpose of (*state purpose for which money is required*) repayable to the bearer with interest at per centum per annum in equal consecutive annual instalments :

Now therefore the board of trustees of the said district enacts as follows:

1. That the necessary notices be given and proceedings had under *The School Ordinance* for receiving the sanction of the

ratepayers of the said district to the loan and the issue of debentures therefor and that the voting thereon shall take place at.....on.....the.....day of.....190..., pursuant to the provisions of the said Ordinance;

2. That if the said sanction be obtained and the commissioner of education shall empower in writing the said board to borrow the said sum pursuant to the said Ordinance then debentures of the said district will be issued payable to the bearer in.... equal consecutive annual instalments with interest at.... per centum per annum and shall be executed by the chairman and treasurer of this board.

Done and passed this.....day of.....190..

.....
Secretary.

.....
Chairman.

(SEAL).

FORM E.

PUBLIC NOTICE.

By the Board of Trustees of the.....S.D., No..
of the N.W.T.

Whereas it is deemed expedient by the Board of Trustees of the.....S.D., No.. of the N.W.T. that the sum of.....dollars should be borrowed on the security of the said district by the issue of debentures repayable to the bearer in.....equal consecutive annual instalments from the issue thereof with interest at the rate of....per centum per annum for the following purposes namely : (*State purposes for which loan is required as in bylaw.*)

Therefore notice is hereby given by the board of the said district that a poll will be opened at the.....on.....the.....day of.....190...at the hour of ten o'clock a.m. and will continue open until four o'clock p.m. of the same day when the votes of those duly qualified to vote thereon will be taken for or against raising the said sum of.....dollars by way of a loan on the security of the said district as hereinbefore set forth.

The qualification of voters is expressed in the following declaration which any person desiring to vote must take if required : "I, A.B., declare that I am of the full age of twenty-one years, that my name appears on the last revised assessment roll of the district and that I have paid all taxes due by me to the district."

Of which all persons interested are hereby notified and they are required to govern themselves accordingly.

..... Chairman.

Dated at.....
this.....day of.....190..

FORM F.

POLL BOOK.

Vote on debenture bylaw submitted to the ratepayers of....
.....S.D. on the.....day of.....190..

Poll opened at ten o'clock a.m. Poll closed at four
o'clock p.m.

Name of voter.	Record of votes.		Remarks.
	For bylaw.	Against bylaw.	
Totals....			

..... Returning Officer.

FORM G.

I the undersigned justice of the peace in and for the North-West Territories having received the poll book used to record the votes taken at the meeting held in the (*give name of school district in full*) on the.....day of.....190.., on the question of the issue of debentures on the security of the said district and having heard all complaints relative to the conduct of the voting beg leave to submit the following return of the votes.

Total No. of votes taken.		No. of votes on each side after the recount.	
For.	Against.	For.	Against.

..... J. P.

Dated at.....this.....day of.....190..

1901

CHAPTER 30.

An Ordinance respecting Assessment and Taxation in School Districts.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

SHORT TITLE.

1. This Ordinance may be cited as "*The School Assessment Ordinance*."

INTERPRETATION.

2. In this Ordinance unless the context otherwise requires :

1. All words, names and expressions except the expression "commissioner" shall have the same meaning as is expressly or impliedly attached to them by *The School Ordinance*;

2. The expressions "secretary" and "treasurer" shall include "secretary treasurer."

3. The expressions "board," "assessor," "secretary" and "treasurer" shall include an official trustee appointed under the provisions of *The School Ordinance*;

4. The expression "commissioner" shall mean the Commissioner of Public Works of the Territories.

ASSESSOR.

3. The assessment in any village or rural district may be made by the board or any person appointed by it as assessor for the district.

Trustee may be assessor (2) Any member of the board may be appointed assessor.

Interpretation (3) The expression "assessor" in any part of this Ordinance relating to village or rural districts shall mean the board or the assessor accordingly as the assessment is made by the board or an assessor.

ASSESSMENT IN RURAL DISTRICTS.

Application of sections 4 to 24 **4.** The following sections numbers 5 to 24 inclusive shall apply to rural districts only.
xxv

5. In any rural district the property exempt from assessment and taxation shall be :

1. All land held by or in trust for the use of any tribe of Indians.

2. The land of the district and the land to the extent of two acres of any other district used for school purposes.

3. The land to the extent of one acre held by or for the use of any church and occupied by a building used for church purposes.

4. The land in use as a public cemetery not exceeding twenty-five acres.

5. The land used as the right of way for any irrigation canal or ditch.

6. As soon as may be in each year the assessor of the ^{Assessment} _{roll} district shall assess every person the owner or occupant of land in the district and shall prepare an assessment roll in which shall be set out as accurately as may be :

(a) Each lot or parcel of land owned or occupied in the district and the number of acres it contains ;

(b) The name of either the owner or occupant or both.

7. If the assessor does not know and cannot after reasonable inquiry ascertain the name of the owner of any unoccupied lot or parcel of land in the district the same shall be deemed to be duly assessed if entered on the roll with a note stating that such owner is unknown.

8. In cases where separate school districts have been established whenever land is held by two or more persons as joint tenants or tenants in common the holders of such property being Protestants and Roman Catholics they shall be assessed in proportion to their interest in the land in the district to which they respectively are ratepayers. C.O., c. 75, s. 127.

9. A company may by notice in that behalf to be given to the secretary of the board of any district in which a separate school has been established and to the secretary of the board of such separate school district require any part of the land of which such company is the owner to be entered, rated and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school ratepayer in the assessment roll in respect of the land specially designated in that behalf in or by said notice and so much of the land as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not public school purposes but all other land of the company shall be separately entered and assessed in the name of the company as for public school purposes :

Provision as to proportion of shares held in district

Provided always that the share or portion of the land of any company entered, rated or assessed in any district for separate school purposes under the provisions of this section shall bear the same ratio and proportion to the whole land of the company assessable within the district as the amount or proportion of the shares or stock of the company so far as the same are paid or partly paid up held and possessed by persons who are Protestants or Roman Catholics as the case may be bears to the whole amount of such paid or partly paid up shares or stock of the company.

Notice to be continuing

(2) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

Notice open to inspection

(3) Every such notice so given to such secretary shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll each year.

Fraudulent notices

(4) False statements made in any such notice shall not relieve the company from rates but any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100 and any person giving for a company such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to the like penalty. C.O., c. 75. s. 128.

Assessment roll

10. Upon the completion of the assessment roll the assessor shall deliver the same to the secretary of the board.

Notice to persons assessed

(2) The secretary shall mail to each person assessed whose address is known to him a notice of his assessment; and the entry of the date of the mailing of each such notice together with the initials of the secretary on the assessment roll shall be *prima facie* evidence of the mailing of such notice on the date entered without proof of the appointment or signature of the secretary and the absence of such date and initials shall be *prima facie* evidence that the person's address is unknown.

Copy of roll to be posted

(3) After all the notices have been mailed the secretary shall post a copy of the roll at the school house or if there be no school house in the district in some conspicuous place outside his residence and shall keep the original roll at his residence open to inspection at any reasonable time.

Date of posting may be noted on roll

(4) The secretary may enter on the assessment roll the date on which the same is posted up and initial the same and the entry of such date and initials shall be *prima facie* evidence of the posting of the roll on the date so entered without proof of the appointment of or initialing by the secretary.

11. Any person who objects to his assessment may within fifteen days after the posting of the roll appeal from such assessment by giving notice of such appeal in writing to the justice of the peace nearest the residence of the secretary and such justice shall at the expiration of the time for appealing notify the secretary and appellant of the time and place when all appeals will be heard which shall not be later than thirty days after the posting of the roll and the finding of the justice upon such appeal shall be final.

(2) At the time and place fixed by the justice of the peace the secretary shall appear and produce the assessment roll and all documents and papers in his custody relating to the appeal.

(3) With every notice of appeal there shall be paid to the justice of the peace by the appellant the sum of \$2.00 for his fee for hearing the appeal and in the event of the appeal being allowed the justice shall order the board to pay to the appellant the amount of the fee so paid by him.

(4) Every alteration in the roll necessitated by the result of any such appeal shall be made and initialed by the justice of the peace.

12. After the expiration of fifteen days from the posting of the roll if no notices of appeal have been given or after all appeals have been decided the board shall make an estimate of the probable expenditure of the district for the current year and shall strike such a rate not exceeding ten cents per acre on the number of acres of land in the district shown on the assessment roll as shall be sufficient to meet such probable expenditure.

13. The secretary shall thereupon prepare a tax roll by entering on the assessment roll the rate per acre struck as in the next preceding section provided and the amount of taxes payable by each person assessed for the current year.

14. The secretary if there be both a secretary and a treasurer shall deliver the tax roll to the treasurer as soon as may be after it has been prepared and the treasurer shall post a copy thereof in the school house or if there be no school house in the district in a conspicuous place outside his residence and retain the original at his residence open to inspection by any ratepayer at any reasonable time.

(2) The treasurer may enter on the tax roll the date on which the same is posted up and initial the same and the entry of such date and initials shall be *prima facie* evidence of the posting of the roll on the date so entered without proof of the appointment of or initialing by the treasurer.

(3) The treasurer shall mail to each person assessed whose address is known to him a notice of the amount of his taxes and the entry of the date of mailing of each such notices with

the initials of the treasurer on the tax roll shall be *prima facie* evidence of the mailing of the notice on the date entered without proof of the appointment or signature of the treasurer and the absence of any entry of such date and initials shall be *prima facie* evidence that the person's address is unknown.

Taxes a lien

15. The taxes accruing upon or in respect of any land in the district shall be a special lien upon such land having priority over any claim, lien, privilege or encumbrance thereon except claims of the Crown and local improvement and irrigation district taxes.

RECOVERY OF TAXES.

Distress for taxes

16. In case any person fails to pay the taxes assessed against him within thirty days after the posting of the tax roll the treasurer may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the district or of any goods and chattels found upon the land in respect of which the taxes are due the property of or in the possession of any other occupant of the premises and the costs chargeable shall be the same as those allowed in the schedule to chapter 34 of *The Consolidated Ordinances 1898*.

(2) The treasurer shall by advertisement posted up in at least five public places in the district give at least ten days' public notice of the time and place of sale and the name of the person if known for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the taxes due with all lawful costs including \$1 for posting notices.

(3) If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(4) If the claim is contested such surplus money shall be paid over by the treasurer to the clerk of the supreme court within whose jurisdiction such school is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise.

Suit for taxes

17. Any taxes or arrears of taxes due to a district may be recovered by suit in the name of the board as a debt due to the district; in which case the tax roll shall be *prima facie* evidence of the debt.

(2) For the purposes of this section all taxes shall be deemed to be due on the day on which the tax roll is posted up as provided in section 14 hereof.

18. The treasurer shall enter all amounts paid him for taxes paid on the original tax roll opposite the lot or parcel of land to be entered on roll in respect of which such payment is made; and shall issue an official receipt for all such payments.

(2) Payments made on account of taxes due in respect of any land shall be first applied in payment of arrears of taxes due in respect of such land since the first day of January, 1902.

RETURN OF UNPAID TAXES.

19. The treasurer of every district shall within the first fifteen days of January in each year make a return verified by his solemn declaration to the commissioner in such form as may by the commissioner be from time to time prescribed showing all lands in the district in respect of which taxes have not been paid together with the years for which such taxes are due.

(2) The return for all purposes shall be *prima facie* evidence of the validity of the assessment and imposition of the taxes as shown therein and that all steps and formalities prescribed by this Ordinance have been taken and observed.

20. On application by the Attorney General of the Territories or some advocate authorised by him to a judge of the supreme court in chambers such judge may appoint a time and place for the holding of a court for confirmation of the return mentioned in the preceding section notice of which shall be published in every issue of the official gazette for two months and once each week for at least eight weeks in a local paper published in the vicinity of the lands entered on such return to be named by the commissioner.

(2) A notice of the time and place fixed for confirmation of such return shall be sent by mail at least sixty days prior to the time so fixed to each person who appears by the records of the proper land titles office or by the said return to have any interest in the lands mentioned in the said return in respect of which confirmation is desired and whose post office address is shown by said records or return; and the entry against such lands of the date of mailing such notice together with the initials of the clerk of the department mailing the same shall without proof of the appointment or signature of the said clerk be *prima facie* evidence that the required notice was mailed on the date so entered.

21. At the time and place so appointed the judge shall hear the application and also any objecting parties and the evidence adduced before him; and thereupon adjudge and determine whether or not the taxes imposed respectively upon each parcel of land included in the return were either wholly or in part in default; and report the adjudication to the said Attorney General; and shall also confirm the return as to those parcels on which any taxes are determined to be in arrears for over two years after the coming into force of this

Ordinance naming the amounts of such arrears and of any arrears prior to the coming into force of this Ordinance severally and adding thereto a reasonable amount for the expense of advertising together with such sum as he may fix for costs of the application; and the effect of such adjudication shall be to vest in the Crown for the public use of the Territories the said lands subject however to redemption by the owners respectively of the said lands at any time within one year from the date of the adjudication by the payment to the commissioner of the amounts named including expenses as aforesaid together with a redemption fee of five cents for each and every acre in the parcel so redeemed and any subsequent taxes paid by the commissioner; but no such redemption fee shall be less than \$2.

(2) For the purposes of this section all taxes shall be held to be due on the first day of January of the calendar year within which the same are imposed.

(3) In the event of any person successfully opposing confirmation of the said return as to the land in which he is interested the judge may order an allowance to him as witness fees to be paid by the commissioner.

(4) A copy of such adjudication certified by the commissioner shall be forwarded to the registrar of land titles of the land registration district in which the lands named in the adjudication or any of them are situated; and such copy shall be notice to the public of the facts contained therein.

Payment after appointment **22.** If any person interested in the parcel of land contained in the return presented to the judge for confirmation as provided by section 21 of this Ordinance pays the taxes upon such land before the date fixed for confirmation of such return but after such date has been fixed he shall in addition to the amount of taxes shown by such return to be overdue be liable to pay the sum of \$2 for each quarter section or portion thereof for costs of application to the judge and advertising and postage in connection with such proceedings; and any sums so paid shall form part of the Territorial revenue.

Order vesting title in Crown **23.** At any time after the expiration of the year last named on *ex parte* application by the Attorney General or some advocate appointed by him and upon production of the last named adjudication together with a certificate of the commissioner showing that the land has not been redeemed the judge by order in chambers may direct that the title to such of the land named in the adjudication as has not been redeemed by the owner be absolutely vested in His Majesty freed from all liens, mortgages and incumbrances of whatever nature and kind the same may be except local improvement and irrigation district taxes.

Payment of taxes by commissioner after confirmation **24.** So soon as the return of the treasurer has been confirmed the commissioner shall pay to the treasurer the

amount of taxes adjudged in arrears since the coming into force of this Ordinance on each parcel of land deducting therefrom any charges he may have been required to pay; and thereafter while owned by His Majesty the said land shall be assessed in the name of the commissioner who shall pay taxes as if the land were assessed to an ordinary individual.

(2) Upon a sale of every such parcel of land any surplus derived from such sale over and above the amount of all sums paid by the commissioner in respect thereof for taxes or otherwise howsoever together with six per cent. per annum thereon to the extent of all arrears of taxes whether imposed before or after the coming into force of this Ordinance which have not theretofore been paid to the treasurer of the district shall be paid to him.

ASSESSMENT AND TAXATION IN VILLAGE DISTRICTS.

25. The following sections numbers 26 to 87 inclusive shall apply to village districts only. Application of sections 26 to 87

26. All property real and personal in any village district not herein declared exempt from taxation shall be subject to assessment and taxation for school purposes. Property assessable

(2) The property exempt from taxation under the provisions of this Ordinance shall be: Exemptions

1. All the property held by His Majesty or for the public use of the Territories :

2. All property held by or in trust for the use of any tribe of Indians or the property of the Indian department ;

3. Where any person is occupant of or interested in any property mentioned in either of the two preceding clauses otherwise than in an official capacity the occupant or person interested shall be assessed in respect thereof but the property itself shall not be liable beyond the interest of the person assessed.

4. The buildings and grounds to the extent of two acres of all public and separate schools and the personal property belonging to the same being used for school purposes and under the management of the department of education of the Territories ;

5. A building used for church purposes and not used for any purpose for hire or reward and the lot or lots whereon it stands not exceeding one half acre except such part as may have any other building thereon ;

6. Any land in use as a public cemetery not exceeding twenty-five acres ;

7. The annual income of any person derived from any source ;

8. Grain, hay, household effects of every kind, books and wearing apparel ;

9. The increase in the value of the land by reason of the annual cultivation thereof together with the growing crops or by reason of the cultivation of trees;

10. All works constructed, operated and used in connection with irrigation ditches as well as the ditches themselves operated under and subject to the provisions of *The North-West Irrigation Act 1898*.

Provided however that should any such works and ditches be not operated during one year then such works and ditches shall not be exempt from taxation during the year following that in which said works were not operated. C.O., c. 75, s. 132.

Assessment roll

27. As soon as may be in each year the assessor shall prepare an assessment roll for the district in which shall be set down according to the best information available a list of all taxable property in the district with the names of the occupants and owners if such can be procured and such roll may be in form E in the appendix hereto. C.O., c. 75, s. 130.

Right to waive exemption from taxation

28. A person owning or occupying property not liable to taxation may compel the assessor on written demand to assess him for such property in order that he may thereby be qualified for voting or holding office. C.O., c. 75, s. 133.

Occupant to be assessed

29. Land and personal property shall be assessed to the person in occupation or possession thereof unless in the case of a nonresident owner such owner shall in writing require the assessor to assess him alone for such property.

Recovery of taxes

(2) Taxes may be recovered by any of the manners herein authorised either from the owner or occupant. C.O., c. 75, ss. 134, 136.

Assessment cash value

30. Real and personal property shall be estimated at their actual cash value as they would be appraised in payment of a just debt from a solvent debtor. C.O., c. 75, s. 138.

Stock in trade

31. In assessing stock in trade the assessor shall assess a person, firm or corporation for the amount of the average stock in trade kept on hand by such person, firm or corporation during the twelve months immediately prior to the date of assessment. C.O., c. 75, s. 139.

Assessor may require statement

32. Any person may be required by the assessor to deliver to him a written statement of all property for which he is liable to be assessed with such other information as to owner, occupant, location and value or other necessary particulars as may be demanded, and if he fails to do so or knowingly makes any false statement such person shall upon complaint of the assessor forfeit and pay a fine not exceeding \$50 to be recovered upon summary conviction. C.O., c. 75, s. 140.

Omission to furnish

Penalty

33. The assessment roll shall be completed by the first day ^{Completion of} roll of April or so soon thereafter as may be in each year and the assessor shall before handing the roll over to the secretary of the board make an affidavit which shall be inscribed upon the roll that the statements contained therein are correct to the best of his knowledge and belief and the roll when so verified ^{Verification} shall be *prima facie* evidence of the statements therein contained. C.O., c. 75, s. 141.

34. The assessor shall thereupon deliver the assessment ^{Delivery of} roll to the secretary of the board who shall file the same and ^{roll to} ^{secretary} endorse thereon the date of such filing. C.O., c. 75, s. 143 in part; 1900, c. 26, s. 13.

35. The secretary shall until the sitting of the court of Assessment ^{Assessment} ^{roll open for} revision at all reasonable times keep the roll open to the inspection inspection of all persons residing or owning or in the possession of property within the district or the agents of such persons appointed in writing and the overseer of the village may have access to the assessment roll at all reasonable hours. C.O., c. 75, s. 143 in part.

COURT OF REVISION.

36. Within ten days after the filing of the roll the board ^{Fixing date of} ^{court of} revision shall appoint a day, hour and place when it shall sit as a court of revision and it shall cause to be posted up at least twenty days before the meeting of such court in at least five conspicuous places within the district one of which shall be the post office therein notices as in form F in the appendix hereto.

(2) The court of revision shall be held not earlier than forty days nor later than fifty days after the filing of the roll:

Provided that in the event of no appeal being received as provided by sections 38 and 39 of this Ordinance the holding of the court of revision may be dispensed with. C.O., c. 75, ss. 145 in part, 146.

37. Within ten days after the time for holding the court of Notice of revision has been fixed the secretary shall give notice in writing ^{assessment} by post or otherwise to every person whose name appears upon the assessment roll and whose address is known in form G in the appendix hereto. C.O., c. 75, s. 144 (1).

38. Any person complaining of an error or omission in ^{Appeal to} ^{court of} revision regard to himself as having been wrongfully inserted or omitted from the roll or as having been overcharged by the assessor in the roll may personally or by his agent give notice in writing to the secretary that he considers himself aggrieved for any or all of the causes aforesaid.

(2) The notice shall be given to the secretary at least five ^{Notice to be} ^{given} days before the day fixed for the sitting of the court of revision. C.O., c. 75, s. 144 (2).

Complaint as
to assessment
of third party

39. If any ratepayer thinks that any person has been assessed too high or too low or has been wrongfully entered on or omitted from the roll or that any property of any person has been misdescribed or omitted from the roll he may not later than fifteen days before the day fixed for the court of revision give notice in writing to the secretary and the secretary shall forthwith give notice in writing to each person with respect to whom a complaint has been made in form J in the appendix hereto. C.O., c. 75, s. 144 (3).

Court of
revision

40. At the time appointed unless there are no appeals the board shall sit as a court of revision to consider all appeals and complaints that have been received by its secretary in accordance with the provisions of this Ordinance in that behalf and it shall have power to take evidence under oath and shall alter and amend the roll if necessary in accordance with its decision in each case.

Adjournment
of sitting

(2) The court of revision may adjourn from time to time but no adjournment shall be for a longer period than one week.

Roll final
when passed

(3) The roll as finally passed by the court and certified by the secretary as passed shall except in so far as the same may be further amended on appeal to a judge of the supreme court be valid and bind all parties concerned notwithstanding any defect or error committed in or with regard to such roll or any defect or error or misstatement in the notices required by sections 36, 37 and 39 of this Ordinance or the omission to deliver or transmit such notices.

Amendment
of whole roll

(4) The court of revision may if in its discretion it deems proper declare the whole roll void and in that event a new assessment shall be made in accordance with the provisions of this Ordinance as if no assessment had been made. C.O., c. 75, ss. 145 in part, 147, 148.

APPEAL FROM COURT OF REVISION.

Appeal to
judge of
supreme court

41. If any person is dissatisfied with the decision of the court of revision he may appeal therefrom to a judge of the supreme court. In all cases of such appeals the proceedings shall be as follows :

Notice of
appeal

1. The person appealing shall in person or by his agent serve upon the secretary of the school district within eight days after the decision of the court of revision a written notice of his intention to appeal to a judge of the supreme court in which shall be stated the grounds of appeal.

List of appeals
for judge

2. The secretary shall immediately after the time limited for filing notice of appeals forward a list of all appeals filed to the judge of the supreme court usually exercising jurisdiction in the judicial district of which such district forms a part or if such district forms a part of more than one judicial district then to the judge whose official residence is nearest the district and the judge shall thereupon appoint a time and place for

holding a court to hear such appeals and shall notify the secretary of such appointment.

3. The secretary of the district shall be the clerk of such court of court.

4. The secretary shall thereupon give notice to all the parties Notice of appealing and appealed against in the same manner as is hearing appeals provided for giving notice on a complaint to the court of revision specifying the time and place when and where the appeal will be heard but in the event of failure by the secretary to have the required service of notice in any appeal made or to have the same made in proper time the judge may direct service to be made for some subsequent day upon which he may sit.

5. The secretary of the district shall cause a conspicuous notice to be posted up in his office or the place where the board holds its sittings containing the names of the appellants and parties appealed against with a brief statement of the ground or cause of appeal together with the time and place at which a court will be held to hear appeals.

6. At the court so holden the judge shall hear and determine the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure but so that all appeals may be determined before the first day of September:

Provided that the judge may either before or after the said first day of September in his discretion extend the time for the determination of appeals beyond the said first day of September upon proof that the assessment roll was not complete in time to allow of such appeals being determined prior to the said date.

7. At the court to be holden by the judge to hear and determine the appeals hereinbefore provided for the person having charge of the assessment roll passed by the court of revision shall appear and produce such roll and all papers and writing in his custody connected with the matter of appeal and such roll shall be altered and amended if necessary according to the decision of the judge who shall write his initials opposite any part of the said roll in which any alteration or amendment is made unless the decision is not then given in which case the secretary of the district shall when the decision is given forthwith alter and amend the roll if necessary according to the same and write his name opposite every such alteration or amendment.

8. In all such proceedings the judge shall possess all the powers for compelling the attendance and for the examination on oath of all parties whether claiming or objecting or objected to and all other persons whatsoever and for the production of books, papers, rolls and documents and for the enforcement of his orders, decisions and judgments as belong to or might be exercised by him in the supreme court.

Intituting process

9. All process or other proceedings in, about or by way of appeal may be intituled as follows:

"In the matter of appeal from the court of revision of the school district of

A.B.

Appellant,

and

C.D.

Respondent.

Costs

10. The costs of any proceeding before the judge as aforesaid shall be paid by or apportioned between the parties in such manner as the judge thinks proper; and where costs are ordered to be paid by any party the same shall be enforced by execution to be issued as the judge may direct from the supreme court or in the same manner as upon an ordinary judgment for costs recovered in such court.

Allowances for costs

11. The costs chargeable or to be awarded in any case may be the costs of witnesses and of procuring their attendance and none other the same to be taxed according to the allowance in the supreme court for such costs; and in case where execution issues the like costs thereof as in the said court and of enforcing the same may also be collected thereunder.

Judgment final

12. The decision and judgment of the judge shall be final and conclusive in every case adjudicated upon. C.O., c. 75, s. 149; 1900, c. 26, s. 14.

RATE OF TAXATION.

Rate to be struck

42. So soon as the assessment roll has been finally revised by the board as aforesaid they shall make an estimate of the probable expenditure of the district for the current year and shall strike such a rate of assessment on the assessed value of the taxable property within the district for the school they represent as shall be sufficient to meet such probable expenditure making due allowance for charges and probable loss in collection.

Rate limit

(2) Such rate shall not exceed twelve mills on each dollar of property liable to taxation for ordinary school purposes with such additional rate per dollar as may be necessary to meet any debenture indebtedness that may have been incurred by such district on the terms upon which it was incurred.. C.O., c. 75, ss. 150, 151.

COLLECTION OF TAXES.

Collector's roll Contents

43. The board shall cause to be made out a collector's roll for the district on which shall be set down the name of every person assessed, the assessed value of his real and personal property and the amount with which such person is chargeable according to the rate of taxation struck in respect of sums ordered to be levied by the board with any other particulars that may be necessary and such roll shall be placed in the

hands of the treasurer or collector duly appointed by the board.

(2) The board may by resolution allow a rebate not to exceed ten per cent. upon all taxes paid within thirty days after the same have become payable. C.O., c. 75, s. 152.

44. As soon as the treasurer or collector shall have received the collector's roll he shall remit or cause to be remitted by mail or otherwise to each person whose name appears upon it as assessed for taxes whose address is known a notice in form L in the appendix hereto.

(2) If the board appoints some person other than the treasurer to be collector such person before receiving any money as such collector shall furnish security in the same manner and to the same amount as is required by *The School Ordinance* in the case of the treasurer. C.O., c. 75, s. 153.

45. The treasurer or collector as the case may be shall give receipts on behalf of the district for all taxes paid to him and shall enter the fact of such payment with the date on the collector's roll.

(2) Payments made on account of taxes due upon any land shall be first applied in payment of arrears of taxes due upon such land. C.O., c. 75, s. 154.

46. The treasurer or collector shall notify the board from time to time of the names of persons who fail to pay the taxes assessed against them and the board may take or authorise to be taken such action for the collection of such taxes as is hereinafter provided. C.O., c. 75, s. 155.

47. In case any person fails to pay the taxes assessed against him within the thirty days specified in the notice provided by section 44 of this Ordinance the treasurer or collector may by himself or his agent levy the same with costs by distress of the goods and chattels of the person against whom the same are assessed situated within the school district or of any goods and chattels found upon the premises assessed the property of or in the possession of any other occupant of the premises and the costs chargeable shall be those allowed in the schedule to chapter 34 of *The Consolidated Ordinances 1898*. C.O., c. 75, s. 156.

48. The treasurer shall by advertisement posted up in at least three public places in the school district and also by publishing the same in a newspaper published in or near to the said school district give at least six days' public notice of the time and place of sale and the name of the person for payment of whose taxes the property is to be sold and at the time named in the notice the treasurer or collector or his agent shall sell at public auction the goods and chattels distrained or so much thereof as may be necessary to pay the

taxes assessed with all lawful costs including the cost of advertisement. C.O., c. 75, s. 157.

Disposition of surplus

49. If the property distrained has been sold for more than the amount of taxes and costs and if no claim to the surplus is made by any other person on the ground that the property sold belonged to him or that he was entitled by lien or other right to the surplus it shall be paid to the person in whose possession the property was when the distress was made.

(2) If any such claim is made by the person for whose taxes the property was distrained and the claim is admitted the surplus shall be paid to the claimant.

(3) If the claim is contested such surplus money shall be paid over by the treasurer or collector of the district to the clerk of the supreme court within whose jurisdiction such school is situated who shall retain the same until the respective rights of the parties have been determined by action at law or otherwise. C.O., c. 75, s. 158.

Recovery of taxes as a debt

50. Taxes may be recovered by suit as a debt due to the district in which case the production of the collector's roll or a copy of so much thereof as relates to the taxes payable by the person and certified as a true copy by the secretary of the district shall be *prima facie* evidence of the debt. C.O., c. 75, s. 159.

Evidence

ARREARS OF TAXES.

Return of roll

51. The treasurer or collector as the case may be shall on or before the first day of December in each year return the collector's roll to the secretary of the board with an account of all moneys received by him accompanied by an affidavit made before a justice of the peace or other person authorised to take affidavits that the collection and other proceedings have been taken in accordance with the terms of this Ordinance and that all the returns contained therein are correct. C.O., c. 75, s. 160.

Return of arrears

52 The treasurer or collector as the case may be shall at the same time make a return verified by affidavit as provided in the next preceding section of all property upon which the taxes or any portion thereof remain unpaid.

Copy to be filed

(2) A copy of such return shall be kept on file by the secretary of the district and shall be open to inspection of the ratepayers of the district or their agents. C.O., c. 75, s. 161.

Inspection

53. The taxes accrued on any land or property or in respect of the ownership or occupancy of any land or property shall be a special lien upon such land or property having preference over any claim, lien, privilege or incumbrance of any party except claims of the Crown and local improvement, irrigation district or village taxes, and shall bear interest at the rate of six per cent. per annum from the time of the return of the collector's roll to the secretary. C.O., c. 75, s. 162.

54. Such accrued taxes shall be entered upon the collector's Collection of roll of the district against such property from year to year and the payment of such taxes shall be enforceable at all times in any of the manners provided by this Ordinance for the enforcement of the payment of taxes. C.O., c. 75, s. 163.

55. Whenever the treasurer or collector is satisfied or is notified by the board that there is sufficient distress upon any real property within the district which is in arrears for taxes he may proceed to levy the amount due in the manner and under the same provisions as are contained in sections 47, 48 and 49 of this Ordinance. C.O., c. 75, s. 164.

SALE OF LAND FOR TAXES.

56. Whenever any portion of the taxes on any land has been due for two years from the first day of January in the year in which the same was imposed whether imposed before or after the coming into force of this Ordinance the treasurer shall submit to the chairman a list in duplicate of all the lands in his book on which taxes are so due with the amount of arrears against each lot set opposite to the same and the treasurer shall authenticate each such lists by affixing thereto the seal of the corporation and his signature and one of such lists shall be deposited with the secretary and the other shall be given to the treasurer with a warrant thereto annexed under the hand of the chairman and the seal of the board commanding him to levy upon the land for the arrears due thereon with costs and the said treasurer is hereby authorised to sell the same. C.O., c. 75, s. 165.

57. The said treasurer shall not sell any lands which have not been included in the list furnished him as aforesaid. C.O., sold c. 75, s. 166.

58. The treasurer shall prepare a copy of the list of lands to be sold as authorised by this Ordinance and shall include therein in a separate column a statement of the proportion of costs chargeable on each parcel for advertising and the sum of twenty-five cents for each parcel advertised for sale and shall cause the said list to be published at least once a week for four consecutive weeks in at least one newspaper published in the school district or if there is no newspaper published therein in the newspaper published nearest to the school district.

(2) The treasurer shall also cause to be published in *The North-West Territories Gazette* during two consecutive issues of the same between the date of the first publication in the newspaper above mentioned and the date of sale a notice in form N in the appendix hereto. C.O., c. 75, s. 167.

59. The advertisement in a newspaper shall contain notification that unless the arrears of taxes and costs are

Date and place of sale sooner paid the treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. C.O., c. 75, s. 168.

Hour of sale **60.** Every such notice shall specify the place, day and hour at which the sale shall commence and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. C.O., c. 75, s. 169.

All lots saleable to be included **61.** All the lots or parcels liable for sale in the school district shall be included in the same statement and notice but any neglect or omission to include any lands liable for sale in the said list shall not be held to invalidate the sale or to prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. C.O., c. 75, s. 170.

Day and place of sale **62.** The day of sale shall not be less than ten days nor more than forty days after the last publication of the list and the sale shall take place at such place in the district as the board shall by resolution appoint and in the absence of such appointment at such place in the district as the treasurer in his said notice shall name. C.O., c. 75, s. 171.

Adjournment **63.** If at any time appointed for the sale of lands no bidders appear the treasurer may adjourn the sale from time to time:

Provided always that no such adjournment shall be for a period exceeding fifteen days. C.O., c. 75, s. 173.

Proceedings at sale **64.** At the place, day and hour appointed for the sale of lands if the taxes thereon including costs and charges have not previously been paid the treasurer shall offer the lands for sale by public auction and in so doing shall make and declare the amounts stated in the lists as the taxes due with the charges and costs as the upset price on each respective lot or parcel as offered for sale and shall thus sell the same to the highest bidder or to such person as may be willing to take it at the upset price there being no higher bidder but subject to redemption as hereinafter provided for. C.O., c. 75, s. 174.

Sale to board if no bidders **65.** If no bidder appears for any land for the full amount of arrears of taxes, costs and charges the treasurer shall there and then sell the same to the board at the upset price. C.O., c. 75, s. 175.

Where land sold for more than amount of taxes **66.** If the land sells for a greater sum than the taxes due together with all charges thereon the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited and if the said balance

of purchase money shall not be so paid by the purchaser, his heirs or assigns within the time above prescribed he and they shall forfeit all claim to the said land and to any transfer or conveyance thereof as well as the amount paid at the time of sale and such land shall thereupon cease to be affected by said sale. C.O., c. 75, s. 176.

67. If the purchaser of any parcel of land fails immediately to pay the treasurer on account of said purchase the amount claimed for arrears of taxes and charges the treasurer shall forthwith again put up the property for sale. C.O., c. 75, s. 177.

68. The treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised stating the amount of taxes and costs paid and the total amount of purchase money and further saying that a transfer of the same to the purchaser or his assigns shall be executed by the treasurer on his or their demand within one month after the expiration of one year from the date of the certificate if the land be not previously redeemed upon payment of the balance of the purchase money if any remains unpaid and upon payment of \$2 for said transfer. C.O., c. 75, s. 178.

69. The purchaser shall on receipt of the treasurer's certificate of sale become the owner of the land so far as to have all the necessary rights and powers for protecting the same from spoliation or waste until the lands may be redeemed. C.O., c. 75, s. 179.

70. A statement of the land so sold for arrears of taxes with the names of the respective purchasers, the date of sale, the time of redemption and the amount required to redeem shall within thirty days of the date of sale or adjourned sale be made out and signed by the treasurer in duplicate and one copy shall be kept by the treasurer and the other deposited with the secretary and either of the said lists may be inspected at any time during office hours for a fee of ten cents for each lot of which inspection is desired. C.O., c. 75, s. 180.

REDEMPTION OF LANDS SOLD.

71. The owner of any land which may hereafter be sold for taxes or his heirs, executors, administrators or assigns or any other person on his or their behalf may at any time within one year from the date of sale exclusive of that date redeem the land sold by paying to the treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives the sum paid by him together with ten per centum thereon and any further or other tax or sum which shall have been imposed or levied against said land and paid by the purchaser before the date of redemption and the treasurer shall give the

party paying such redemption money a receipt stating the sum paid and the object thereof and such receipt shall be evidence of the redemption.

(2) The treasurer shall before giving such receipt ascertain from the purchaser what further or other tax or sum if any has been paid by him under the authority of this section. C.O., c. 75, s. 181.

Sale to be as
on date
advertised

72. For the purpose of this Ordinance the day of sale shall be the day on which the sale was advertised to take place without reference to any adjournment or adjournments and all certificates shall be dated as of that day. C.O., c. 75, s. 182.

On redemp-
tion
purchaser's
rights cease

73. From the time of payment to the treasurer of the full amount of redemption money required by this Ordinance all rights and interests of the purchaser shall cease. C.O., c. 75, s. 183.

Person not
specially
authorised
redeeming

74. Whenever such redemption is effected by a person not specially authorised the treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same, the name of the person on whose behalf the payment is made and every redemption receipt shall be made out in triplicate, one copy shall be given to the person paying the redemption money, one shall remain on file in the office of the treasurer and the third shall be transmitted to the secretary by the treasurer. C.O., c. 75, s. 184.

On
redemption
notice to
purchaser

75. The treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same apprising him of the fact of such redemption and the amount of money paid in for such purpose. C.O., c. 75, s. 185.

TRANSFER IN CASE OF NONREDEMPTION. ▾

Land not
redeemed

76. If the land be not redeemed within the period allowed by this Ordinance then on demand of the purchaser, his heirs or assigns or other legal representatives at any time within one month after the expiration of the time limited for the redemption upon payment of the balance of purchase money as aforesaid and of the further sum of \$2 the treasurer shall prepare and execute and deliver to him or them a transfer of the land sold in form P in the appendix or to the like effect:

Transfer
Proviso

Provided that any land sold to the school board under the provisions of this Ordinance as hereinbefore provided shall be transferred to the board immediately on the expiration of the time allowed for redemption without charge. C.O., c. 75, s. 186.

Transfer to
board

Transfer
exonerates
land from
prior charges

77. Such transfer shall upon confirmation of the sale by a judge of the supreme court vest in the purchaser all rights of

property which the original holder had therein and shall also purge and release such land from all payments, charges, liens, mortgages and incumbrances of whatever nature and kind other than existing liens of the school district or Crown and local improvement, irrigation district and village taxes and whenever lands are sold for arrears of taxes and the treasurer shall have given a transfer thereof such transfer shall notwithstanding any informality or defect in or preceding such sale be valid and binding to all intents and purposes except as against the Crown. C.O., c. 75, s. 189 in part.

78. After the expiration of one year from the date of any such transfer the sale and transfer may be set aside only upon its being shown either:

1. That there has been fraud or collusion; or
2. That all taxes have been paid; or
3. That the land was not liable to assessment. C.O., c. 75, s. 187 in part.

ILLEGAL SALES. LIABILITY OF BOARD.

79. In no case shall the board of any district be liable for damages or costs in any suit brought to set aside a tax sale or be liable for any damages or costs arising therefrom or incur any liability other than in case of a sale declared void by a competent court that of refunding to the purchaser the amount of money actually received with legal interest. C.O., c. 75, s. 196.

80. When the title of any land sold for arrears of taxes is vested in the Crown the transfer thereof in whatever form given shall be held to convey only such interest as the Crown may have given or parted with or may be willing to recognise or admit that any person possesses under any colour or right whatever. C.O., c. 75, s. 188.

TAX SALES FUND.

81. The treasurer shall keep a separate account in a Tax sale fund chartered bank at the joint credit of the chairman and treasurer of all sums paid to him as balances of purchase money on lands sold for arrears of taxes and not redeemed and shall enter in a book the amount received from the purchaser of any lot sold by him over the taxes and charges against said lot with date of sale and of receipt of balance and the aggregate amounts so received shall form a fund to be called the tax sales fund and the treasurer shall in the month of January in each year and on request at any other time furnish a statement to the board giving the particulars respecting such fund and whenever any portion of such fund shall have remained to the credit of the account for six years from the day of sale of the land of the purchase money of which it forms a part without

School board's
liability
limited

When title in
Crown

Lapse to board
of unclaimed
balances

any notice of claim or order for payment having been served on him as hereinafter provided any right to such portion or sum so remaining unclaimed shall be forfeited and thereafter it shall be the absolute property of the board and the said board shall forever be discharged from any claim on account thereof. C.O., c. 75, s. 189.

Claims on tax sales fund

82. Any person claiming to have been interested in any parcel of land sold for taxes and transferred as aforesaid which shall have realised more than the amount due for taxes and charges shall be entitled to claim and receive the said overplus or sum or any portion thereof specified in the order hereinafter mentioned provided that a written notice is served upon the treasurer previous to the time limited for forfeiture upon producing and leaving with the treasurer within six months from the date of service of such notice of claim an order signed by a judge of the supreme court of the Territories reciting that it had been proved to the satisfaction of the said judge that the claimant was at the time of sale interested in the said land and requiring the school board to pay the said surplus money or the portion thereof specified in the order to the said claimant and such or any judge's order for payment of any part of the said tax sales fund shall be kept by the treasurer and shall be the warrant and authority for making such payment. C.O., c. 75, s. 190.

Procedure in proof of claim

Judge's order for payment

Petition to judge

Evidence

Payment into court

Fees

Costs of school board

83. In seeking to obtain a judge's order any claimant upon the said fund shall in person or by advocate petition the judge in writing for that purpose describing the land sold and setting forth the particulars of the said sale and the title under which the said money is claimed and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the judge and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the judge of the *bona fide* nature of the claim and the said judge may in his discretion require the claimant to serve a notice of his application upon the board or publish the same in any manner he may deem proper or substantiate his claim in any other manner and the judge may in his discretion order said money to be paid over to the clerk of the supreme court there to be dealt with in such manner as the court shall order and in such case a copy of his order stating the reason therefor shall be filed in the said court and served upon the treasurer. C.O., c. 75, s. 191.

84. The same fees shall be paid upon any application made under the last preceding section as are payable in respect of applications in chambers for a judge's order in any suit for damages in which the same amount is involved. C.O., c. 75, s. 192.

85. In any case where the judge deems it advisable to order notice to be served upon the board he shall in the final

decision of the question if the claimant is successful order the costs of the board to be paid out of the fund in question or by the claimant in case the claimant fails. C.O., c. 75, s. 193.

86. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sales fund shall be considered an admission of the validity of the sale of the lot in question by the claimant and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale notwithstanding that the said claim shall have been made within the time otherwise limited for taking any proceedings to invalidate any tax sale and the said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid. C.O., c. 75, s. 194.

87. Within ten days after the commencement of any suit or proceeding to set aside or question a sale for arrears of taxes the plaintiff shall cause the treasurer to be notified in writing of the fact of the action or proceeding having been commenced and the treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute but shall hold the same subject to the order of the court and in case the plaintiff succeeds the court shall order the said surplus to be repaid to the defendant, the tax sale purchaser or his proper representatives and in case the plaintiff fails in such action or proceeding to set aside such sale but proves to the satisfaction of the court that he was at the time of sale the lawful owner of the said land and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance then in such case the court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by the said plaintiff of such costs of the defendant as he may have been ordered by the court to pay. C.O., c. 75, s. 195.

ASSESSMENT AND TAXATION IN TOWN DISTRICTS.

88. The following sections numbers 89 and 90 shall apply to town districts only.

89. Where a district is situated within a municipality the trustees may as soon as may be after the final revision of the assessment roll of the municipality make a demand on the council of such municipality for the sum required for school purposes for the then current year; but such sums shall not exceed an amount equal to fifteen mills on the dollar according to the last revised assessment roll on the property liable to assessment in such district for ordinary school purposes with such additional amount as may be necessary to meet any debenture indebtedness that may have been incurred and may be coming due.

(2) For the purposes of this section any portion of a town district which is not within the limits of a municipality shall be deemed to be within the limits of the municipality and the provisions of *The Municipal Ordinance* or of any special Ordinance creating such municipality and any amendments thereto shall apply to such portion as if the same formed a part of the municipality. C.O., c. 75, s. 120.

Property
liable to
assessment

90. Subject to the provisions of this Ordinance and of *The School Ordinance* the property liable to assessment and taxation for school purposes shall be the property liable to assessment and taxation for municipal purposes.

VILLAGE AND TOWN DISTRICTS.

Separate
school district

91. The following sections numbers 92 and 93 shall apply to village and town districts only.

Assessment of
joint owners

92. In cases where separate school districts have been established whenever property is held by two or more persons as joint tenants or tenants in common the holders of such property being Protestants and Roman Catholics they shall be assessed in proportion to their interest in the property in the district to which they respectively are ratepayers. C.O., c. 75, s. 127.

Separate
school district
company may
be assessed
as supporter

93. A company may by notice in that behalf to be given to the secretary treasurer of any municipality wherein a separate school district is either wholly or in part situated and to the secretary of the board of any public school district in which a separate school has been established and to the secretary of the board of such separate school district require any part of the real property of which such company is either the owner and occupant or not being such owner is the tenant or occupant or in actual possession of and any part of the personal property if any of such company liable to assessment to be entered, rated and assessed for the purposes of said separate school and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice and so much of the property as shall be so designated shall be assessed accordingly in the name of the company for the purposes of the separate school and not for public school purposes but all other property of the company shall be separately entered and assessed in the name of the company as for public school purposes:

Proviso as to
proportion of
shares held in
district

Provided always that the share or portion of the property of any company entered, rated or assessed in any municipality or in any school district for separate school purposes under the provisions of this section shall bear the same ratio and proportion to the whole property of the company assessable within the municipality or school district as the amount or proportion of the shares or stock of the company so far as the

same are paid or partly paid up, held and possessed by persons who are Protestants and Roman Catholics as the case may be bears to the whole amount of such paid or partly paid up shares or stock of the company.

(2) Any such notice given in pursuant of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given pursuant to any resolution of the company or of its directors.

(3) Every such notice so given to such secretary treasurer shall remain with and be kept by him on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect the assessment roll and the assessor shall in each year before the completion and return of the assessment roll search for and examine all notices which may be on file in the clerk's office and shall thereupon in respect of said notices if any follow and conform thereto and to the provisions of this Ordinance in that behalf.

(4) False statements made in any such notice shall not relieve the company from rates. Any company fraudulently giving such notice or making false statements therein shall be liable to a penalty not exceeding \$100. Any person giving for a company such a statement fraudulently or wilfully inserting in any such notice a false statement shall be guilty of an offence and liable on summary conviction to a like penalty.

C.O., c. 75, s. 128.

MISCELLANEOUS.

94. In cases where separate school districts have been established where land is owned by a Protestant and occupied by a Roman Catholic or *vice versa* such land shall be assessed to the owner. C.O., c. 75, s. 126.

95. The Lieutenant Governor in Council may by order notice of which shall be published in the official gazette declare that for the purposes of this Ordinance and any assessment and taxation thereunder any district shall be deemed to be a village or town district and thereafter all the provisions of this Ordinance relating to village and town districts respectively shall apply thereto and to any municipality within which any such district declared to be a town district is wholly or partly situated.

96. In the case of any district situated wholly or partly within the limits of any municipality which under the provisions of this or any other ordinance becomes or is declared to be a rural or village district the Lieutenant Governor in Council may make such orders, provisions and appointments

as to him may appear necessary for the adjustment, arrangement and settlement of all accounts between any such district and the municipality within which it is wholly or partly situated.

EXECUTIONS AGAINST SCHOOL DISTRICTS.

Execution

97. Any writ of execution against the board of any district may be endorsed with a direction to the sheriff to levy the amount thereof by rate; and the proceedings thereon shall be the following:

Copy writ and statement for treasurer

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer or leave such copy at the office or dwelling house of such officer with a statement in writing of the sheriff's fees and of the amount required to satisfy such execution including such amount of interest calculated to some day as near as is convenient to the day of service;

Nonpayment one month, sheriff to strike execution rate

2. In case the amount with interest thereon from the day mentioned in the statement be not paid to the sheriff within one month after the service the sheriff shall examine the assessment roll of such district and shall in like manner as rates are struck for general school purposes strike a rate on the dollar or on the acre as the case may be on the assessable property in the said district sufficient to cover the amount due on the execution with such addition to the same as the sheriff deems sufficient to cover the interest and his own fees up to the time when such rate will probably be available;

Sheriff's precept to treasurer

3. He shall thereupon issue a precept or precepts under his hand and seal of office directed to the said treasurer and shall by such precept after reciting the writ and that the said board had neglected to satisfy the same command the said treasurer to levy or cause to be levied such rate at the time and in the manner by law required in respect to the general school rates;

Column in tax roll

4. At the time for levying the annual rate next after the receipt of such precept the treasurer shall add a column to the tax roll in the said district headed "Execution rate of A.B. v. Board of School District" (or, as the case may be, adding a column for each execution if more than one) and shall insert therein the amount by such precept required to be levied upon each person respectively and shall levy the amount of such execution rate as aforesaid; and such treasurer so soon as the amount of such execution or executions is collected shall return to the sheriff the precept with the amount levied thereon;

Levy of rate

5. The sheriff shall after satisfying the executions and all fees thereon return any surplus within ten days after receiving the same to the said treasurer for the general purposes of the said district;

**Surplus
Treasurer officer of court**

6. The treasurer shall for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect the provisions of this Ordinance with respect

to such executions be deemed to be an officer of the court out of which the writ issued and as such shall be amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel him to perform the duties hereby imposed upon him. C.O., c. 75, s. 212.

98. In the foregoing section the word "treasurer" shall "Treasurer" mean:

1. In the case of a village or rural district the treasurer of the school district;

2. In the case of a town district the secretary treasurer of the municipality. C.O., c. 75, s. 213.

99. In case of the absence of the treasurer of any village or rural district and the refusal or neglect of the board to appoint some other person in his place or in case of the refusal or neglect of the treasurer to comply with any of the provisions of section 97 hereof the sheriff upon application to a judge of the supreme court may be invested with full power and authority to assess, levy, collect and enforce payment in the same manner as assessors, collectors and treasurers are authorised to do by this Ordinance of such sum or sums of money as may be required to pay and satisfy the execution or executions and all fees and legal expenses including such allowance for the costs, levy, collection and enforcement of payment as the judge may allow:

Provided that any person may within one month from the date of the notice by the sheriff of assessment by him apply to the sheriff to revise such assessment in any respect as to which such person might have appealed to a court of revision and if the sheriff refuses such application appeal may be had to a judge of the supreme court on application to him within eight days after the sheriff's decision of which application notice in writing shall be given to the sheriff and on such application the judge may proceed as in the case of an appeal from a court of revision. C.O., c. 75, s. 214.

FORMS.

100. The several forms in the appendix to this Ordinance to suit the case or forms to the like effect shall be deemed good, valid and sufficient.

101. This Ordinance shall come into effect on the first day of January, 1902.

APPENDIX.
FORM A.

Assessment and tax roll

Of the School District No. of the North-West Territories for the year 190 . . .

NOTE—The information required in columns 1, 3 and 4 is to be filled in by the assessor (see sections 6 and 7) after which the roll is to be delivered to the secretary who will fill in columns 2, 5 and 6 and then post a copy of the roll and fill in and sign the date of posting (see section 10). After the rate per acre is struck (see section 12) the secretary will fill in columns 7 and 8 (see section 13) and then deliver the roll to the treasurer who will fill in columns 9 and 10 and then post a copy of the roll and fill in and sign the date of posting (see section 14). The treasurer will also fill in columns 11 and 12. If the secretary is also treasurer he will perform the duties assigned to both.

FORM B.

*For Rural Districts.
[Section 10 (2)].*

ASSESSMENT NOTICE

of

The..... School District No.... of the N.W.T.

To.....

..... P.O.

You are hereby notified that your name appears on the assessment roll of the above named school district for the year 190..... as the owner (*or occupant*) of.....
..... and that you are assessed for.....
acres of land.

You are further notified that if you object to this assessment you must appeal to the justice of the peace nearest to my residence within fifteen days after the posting of the assessment roll otherwise the assessment will stand.

Dated at
this..... day of
..... 190

.....
Secretary
(*or Secretary Treasurer*).

Residence of Secretary (*or Secretary Treasurer*) Sec...Tp...
R.... M....

FORM C.

*For Ratepayers in
Rural Districts.*

(Section 11.)

NOTICE OF APPEAL.

To
Justice of the Peace

..... P.O.

You are hereby notified that I appeal from my assessment in the..... School District No....

of the N.W.T. for (*description of property and number of acres*) on the ground that
and that I wish to have this my appeal considered by you.

(Signature).....

Dated at.....
this.....day of
.....190....

NOTE.—A fee of \$2 must accompany this notice or be delivered to the justice of the peace if the notice is handed to him.

FORM D.

For Rural Districts.

[Section 14 (3).]

TAX NOTICE

of

The.....School District No.. of the N.W.T.

To.....
.....P.O.

You are hereby notified that you are assessed on the assessment roll of the above named school district for the year 190.. for.....acres of land the taxes on which at the rate of.....cents per acre amount to \$.....; and you are further notified that the arrears of taxes due by you to the said district amount to \$.....and you are required to pay the same forthwith.

.....
Treasurer.
(or Secretary Treasurer.)

Dated at.....
this.....day of
.....190 ..

For Village Districts. (Section 27).

FORM E.

Assessment Roll
School District No..... of the North-West Territories for the year 190.....

Note—(1) The following affidavit should be inscribed upon the roll by the assessor before handing it to the secretary of the district (*see section 33*):
I, A. B., assessor for the above named school district, make oath and say (*or do solemnly affirm*) that the statements contained in the foregoing assessment roll are correct to the best of my knowledge and belief.
Sworn before me at in the North-West Territories this day of 19 .

(2) Upon receipt of the roll the secretary should note thereon the date of filing in the following form (see section 34):

Secretary.

FORM F.

*For Village Districts.
(Section 36.)*

NOTICE OF SITTING OF COURT OF REVISION.

NOTICE is hereby given that the assessment roll for The S.D., No., of the N.W.T., has been completed and the same may be examined at,..... and the board of trustees of the said School District will sit as a court of revision to hear assessment appeals at.....
.....on the..... day of.....190., at the hour of....o'clock .m., and no person who does not appear at the said time and place will be entitled to appeal from the decision of the said court of revision to a judge of the supreme court.

Dated at.....
this....., day of
.....190 .

.....
Secretary.

FORM G.

*For Village Districts.
(Section 37.)*

ASSESSMENT NOTICE

of

The..... School District No... of the N.W.T.
To..... P.O.

You are hereby notified that your name appears on the assessment roll of the above named school district for the year 190.. as the owner (or occupant) of the following property (give description of property): which is assessed at \$.....

The board of trustees of the said district will sit as a court of revision (mention day, hour and place at which court of revision is to be held).....and if you consider that you have been wrongly assessed as above stated you will have an opportunity to make a statement of your case before the said court.

TAKE NOTICE that if you do not give notice in writing of appeal to the secretary of the board five days previous to the sitting of the court of revision and if you do not appear before the said court either in person or by agent you will not be entitled to appeal from its decision to a judge of the supreme court.

.....
Secretary.

Dated at
this day of
..... 190 .

FORM H.

*For Ratepayers in
Village Districts.
(Section 38.)*

NOTICE OF APPEAL.

To
Secretary of School District P.O.

You are hereby notified that I object to my assessment in The School District No., of the N.W.T., on the ground that and that I wish to have my appeal considered by the court of revision.

(Signature)

Dated at
this day of
..... 190 .

FORM I.

*For Village Districts.
(Section 39.)*

NOTICE TO PARTY WHOSE ASSESSMENT IS APPEALED AGAINST.

To.....

..... P.O.

Take notice that you are required to attend the court of revision for The..... S.D. No.. of the N.W.T. to be held (*give day, hour and place of sitting of the court*) in the matter of the complaint by..... applicant that you are assessed too high (*or too low or not a bona fide rate-payer, or as the case may be.*)

.....
Secretary.

FORM J.

*For Ratepayers in
Village Districts.
(Section 41.)*

NOTICE OF APPEAL.

(From decision of court of revision.)

To.....

Secretary:..... School District.

You are hereby notified that I appeal to a judge of the supreme court from the decision of the court of revision of The School District No.. of the N.W.T. with respect to my assessment in the said district for (*give description of property and assessed value*).....
on the ground that (*state grounds of appeal*).....
.....

(Signature).....

Dated at.....
this..... day of
..... 190.....

*For Village Districts.
(Section 43.)*

FORM K.

Collector's Roll

Of the S.D. No. of the N.W.T. for the year 190.....

No. on Roll.	Name of Ratepayer (As shown on Assessment Roll. If owner is unknown enter unknown.)	Post Office Address	Assessed Value of Real and Personal Property	Rate of Taxation on the Dollar	Amount of Taxes for Current Year	Arrears of Taxes Due	Total Taxes Due	Date of Mailing Tax Notice	Treasurer's Initials (To be written after each notice mailed.)	Payment of Taxes Amount Date
28			\$ (Mills)							\$

FORM L.

*For Village Districts.
(Section 44.)*

TAX NOTICE.

The..... School District No.... of the N.W.T.

To..... P.O.

You are hereby notified that you are assessed on the assessment roll of the above named school district for the year 190..... for property valued at \$..... the taxes on which at..... mills on the dollar amount to \$.....; and you are further notified that the arrears of taxes due by you to the said district amount to \$..... and you are required to pay the same within thirty days after the date of this notice.

..... Treasurer.

Dated at.....
this..... day of
..... 190.....

FORM M.

*For Village Districts.
(Section 58.)*

LIST OF LANDS

in

The..... School District No.... of the N.W.T.,
to be sold for taxes as authorised by *The School Assessment Ordinance.*

Description of Property	Arrears of Taxes	Cost of Advertising	Fee under Ordinance	Total Charge against each parcel
(Give full and accurate description of property sufficient for registration.)				

NOTICE is hereby given that unless the arrears of taxes and costs as shown in the above list are sooner paid I will on the day of 190.., at the hour of o'clock .. m. at..... (*give place of sale*) proceed to sell the lands shown in the above list in respect of which the said arrears and costs are payable.

Date of first insertion in newspaper

..... 190..,
Treasurer.

FORM N.

*For Village Districts.
(Section 58.)*

Notice for insertion in Gazette.

NOTICE.

Notice is hereby given that on the day of at the hour of at (*give name of place in particular*) there will be offered for sale by public auction in accordance with the terms and provisions of *The School Ordinance* providing for the sale of lands for arrears of school taxes certain lands situated in township...., range...., west of the..... meridian, being part of the lands forming (*give name of school district*) particulars regarding which lands may be found in the issues of (*give name, dates and place of issue of newspaper*).

.....
Treasurer.

P.O. address:

FORM O.

*For Village Districts.
(Section 69.)*

TREASURER'S CERTIFICATE.

This is to certify that at a sale of land for taxes due to The School District No... of the N.W.T., held under the provisions of *The School Assessment Ordinance*, (*give name, address and occupation of purchaser*) purchased (*give description of property purchased*) for the sum of \$..... (*give purchase price*) and that the said (*give name of purchaser*)

has paid thereon the sum of \$..... being amount of taxes and costs against the said land.

Upon payment of the balance of the purchase money and upon payment of a fee of \$2.00 a transfer of the above mentioned land to the said (*name of purchaser*) or his assigns shall be executed by the treasurer of the said district on his or their demand within one month after the expiration of one year from the date of this certificate if the said land be not previously redeemed as provided in the said Ordinance.

.....
Treasurer.

Dated at.....
this..... day of
..... 190 ..

FORM P.

Village Districts.
(Section 77.)

TRANSFER OF LAND ON SALE FOR TAXES.

I..... of..... being treasurer of The..... School District No..... of the North-West Territories by virtue of authority to sell lands for arrears of taxes vested in me by warrant under the hand of the chairman of the board of trustees of the said school district and the seal of the said board and by *The School Assessment Ordinance* do hereby in consideration of the sum of..... dollars paid to me by..... of..... being the price for which the said land was sold at a sale by me on the..... day of..... 190 .. for arrears of taxes due on said land to the said school district transfer to the said.....
..... all that piece of land being.....
In witness whereof I have hereunto set my hand and the seal of the said board of trustees this..... day of..... 190 ..

Signed by the above }
named..... in }
the presence of... }

1901

CHAPTER 31.

An Ordinance to Regulate Public Aid to Schools.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. This Ordinance may be cited as *The School Grants* Short title *Ordinance*.

2. In this Ordinance unless the context otherwise requires: Interpretation

1. The expression "assessable land" shall mean land in respect of the ownership or occupancy of which some person is assessed.

2. All words, names and expressions shall have the same meaning as is expressly or impliedly attached to them in *The School Ordinance*.

3. In aid of schools organised and conducted under the provisions of *The School Ordinance* there shall be paid out of any legislative appropriation made for that purpose: Grants to schools

1. To rural districts an amount to be calculated as follows: Rural

(a) To each district containing 6,400 acres or less of assessable land as shown by the last revised assessment roll of the district \$1.20 per day for each day school is kept open; to each district containing less than 6,400 acres as aforesaid one cent more per day for each 160 acres or fractional part thereof less than 6,400 acres; and to each district containing more than 6,400 acres as aforesaid one cent less per day for each additional 160 acres or fractional part thereof;

(b) To each district whose school is kept open more than 160 days in the year 40 cents per day for each additional day not exceeding 50;

(c) To each district engaging a teacher who holds a first class professional certificate under the regulations of the department 10 cents per day for each day such teacher is actually employed in the school;

(d) To each district whose school maintains a percentage of attendance as set forth in the following schedule the sum set opposite thereto for each day school is kept open:

SCHEDULE.

A percentage of from 40 to 50 inclusive ..	5 cents
" " 51 "	.10 "
" " 61 "	.15 "
" " 71 "	.20 "
" " 81 "	.25 "

Village and town

2. To village and town districts an amount to be calculated as follows:

- (a) To each district the sum of 90 cents per day for each day its school is kept open;
- (b) To each district engaging a teacher who holds a first class professional certificate under the regulations of the department 10 cents per day for each day such teacher is actually employed in the school;
- (c) To each district whose school maintains a percentage of attendance as set forth in the following schedule the sum set opposite thereto for each day school is kept open:

SCHEDULE.

A percentage of from 50 to 60 inclusive ..	5 cents
" " 61 "	.10 "
" " 71 "	.15 "
" " 81 "	.20 "
" " 91 "	.25 "

For equipment, etc.

3. To each district whose school attains a minimum grading on its efficiency in respect to grounds, buildings, equipment, government and progress a sum not exceeding fifteen cents per day to be paid in proportion to such grading for each day school is kept open; and such grading shall be based upon the inspector's report or reports as prescribed by the regulations of the department;

For standards higher than V in town and villages

4. To each town or village district maintaining one or more rooms exclusively for pupils in standards above the fifth the sum of \$75 per term provided the daily average attendance of pupils in such room or rooms for any such term classified in accordance with the regulations of the department is at least twenty.

Minimum attendance

Provided that no grant shall be paid to any district under the provisions of this section unless an average attendance of six is maintained in its school for the term immediately preceding the time when the payment of the grant may be due;

Minimum payment under clause 1 (a)

Provided further that the grant payable to any rural district under subsection (a) of clause 1 of this section shall not be less than 90 cents per day for each day the school is kept open;

Maximum number of days

Provided further that any and every amount payable to any district under this section shall not unless otherwise provided be payable for more than 210 days in any calendar year;

Each room to rank as a district

Provided further that in any district where more than one teacher is employed each room shall rank as a district under the provisions of clauses 1, 2 and 3 of this section when the average attendance of the whole school shall at least equal twenty pupils to each teacher employed;

Provided further that if the sum of the grants payable to any district under clauses 1 or 2 of this section shall exceed 70 per cent. of the salary actually earned by the teacher or teachers employed in the district during the year the amount of the grant payable at the end of the second term of the year shall be reduced so that the total amount of the grant paid shall equal the said 70 per cent.;

Provided further that payments may be made in respect of the amounts earned under clause 1 or clause 2 of this section at the end of the school terms ending on the thirtieth day of June and the thirty-first day of December in each year on receipt of the returns hereinafter provided and on receipt of the treasurer's bond and teacher's agreement as provided in *The School Ordinance*.

Provided further that in case the school of any district is open only during a portion of the year payment may be made to such district in respect of the amounts earned under clause 1 or clause 2 of this section as soon as the school closes for the year on receipt of the returns, bond and agreement mentioned in the next preceding proviso;

Provided further that when the return of the treasurer of any district as hereinafter provided shows that the district is indebted to any teacher or teachers the grant payable to such district under clause 1 or clause 2 of this section or such portion of it to the amount of such indebtedness shall be paid proportionately to such teacher or teachers;

Provided further that the grant earned by any district under clause 4 of this section shall be paid to such district at the end of the school year and in case the school of any district is not inspected during the year the district shall be paid for such year such grant as it may be entitled to upon the basis of the grading its school attains on the first inspection in the following year.

4. Any district whose school has been closed on account of the absence of the teacher in attending a teachers' institute or convention held under the regulations of the department shall be entitled to all grants as if the school had been actually in operation during such period.

5. If in any district the school has been closed by the written order of a duly qualified medical practitioner on account of the prevalence within the district of any disease the Lieutenant Governor in Council may pay grants in respect of such days as the school has been closed but in no case shall such grants be paid for more than thirty teaching days in the calendar year.

6. The Lieutenant Governor in Council may order the payment of a special grant to any school whether organised according to law or not.

Statements
to be
forwarded

7. The secretary, treasurer and teacher of every district shall at the end of each school term forward to the commissioner such statements respecting the school and districts as are necessary to enable him to apportion the grants to which it may be entitled under the Ordinance and such statements shall be verified by declaration and shall be in form prescribed by the commissioner.

Computation
of average

8. For the purpose of estimating the grant which may be earned by any school on account of the attendance of pupils the average attendance for any calendar month during which the school is kept open shall be calculated by dividing the aggregate days attendance for such month by the number of days school is kept open during such month ; the percentage of attendance for any month school is kept open shall be calculated by dividing the average attendance for such month by the number of pupils in actual attendance during such month ; and the percentage of attendance for any term shall be calculated by dividing the sum of the monthly percentages of attendance by the number of such monthly percentages of attendance.

Purchase of
school library
out of grant
under
clause 3

9. The board of every district receiving a grant under clause 3 of section 3 hereof shall expend one half of the amount of such grant received in each and every year on the purchase of books for a school library and such books shall be selected from a list authorised and furnished by the department.

Grants for
cases under
section 165
of School
Ordinance

10. In all cases where two or more districts have entered into an agreement as provided in section 165 of *The School Ordinance* there shall be paid at the end of each school term from and out of any moneys appropriated by the Legislative Assembly for school purposes :

1. To every district providing the means of conveyance for children from one district to another the sum of 60 cents per diem for each day upon which such conveyance is provided in accordance with the regulations of the department ;

2. To every district agreeing as aforesaid to educate the children of one or more districts the sum of 4 cents per diem for each pupil in average daily attendance who has been conveyed to and from the school house in such district or educated therein in accordance with the regulations of the department ;

Provided that the total number of days in each year for which such grants may become payable shall not exceed 210 ;

Provided further that in case the number of children conveyed from one district to another in accordance with the terms of the agreement falls below an average of six for any term the grant payable under subclause 1 of section 10 hereof shall be paid in the proportion that the average number of children conveyed for the term bears to six ;

Provided further that the total amount of the grant which shall be payable under subclause 2 of section 10 hereof shall not exceed for any term the amount of 40 cents per diem unless it is satisfactorily shown that the presence of such children necessitated the employment of one or more additional teachers in which case the total amount of the grant thus earned shall be paid.

11. This Ordinance shall come into force on the first day of Commencement January, 1902.

1901

CHAPTER 32.

An Ordinance to further amend Chapter 85 of The Consolidated Ordinances 1898, intituled "An Ordinance for the Protection of Game."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 2 amended

1. Section 2 of *The Game Ordinance* is hereby amended by striking out the figures "1901" where they occur therein and substituting therefor the figures "1906."

Section 7 amended

2. Section 7 of the said Ordinance is hereby amended by striking out the figures "1901" where they occur therein and substituting therefor the figures "1906."

New Section 20

3. Section 20 of the said Ordinance is hereby repealed and the following substituted therefor:

Licence for nonresident

"**20.** No person not a resident and domiciled in the North-West Territories shall be entitled to hunt, take, kill, wound or destroy any animal or bird referred to in this Ordinance, whether protected by this Ordinance or not without having first obtained a licence in that behalf; every such licence shall be signed by the Commissioner of Agriculture and shall be in force for the calendar year in which the same is issued and shall be subject to the provisions of the game laws in force in the Territories at the time the said licence was granted; the fee to be paid therefor shall be \$15. Such licence shall not be valid unless the signature of the person to whom it is issued is endorsed thereon;

"(2) Every such person shall on request by any game guardian at all reasonable times produce and show to such game guardian making the request such licence and if he fails or refuses to do so he shall be deemed to have violated the provisions of this section."

1901

CHAPTER 33.

An Ordinance to amend Chapter 89 of The Consolidated Ordinances 1898 intituled "An Ordinance respecting the sale of Intoxicating Liquors and the issue of Licences therefor."

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 3 of *The Liquor Licence Ordinance* is hereby <sup>Section 3
amended</sup> amended by adding thereto the following clauses:

"5. To a *bona fide* sale by a licensee of his stock of liquors in conjunction with a sale and transfer of his interest under the licence;

"6. To a *bona fide* sale to a licensee or licensees by a person who has been the holder of a licence at any time within sixty days after his licence has ceased to be in force;

"7. To a *bona fide* sale to a licensee by the personal representative of a deceased licensee at any time within sixty days after such decease."

2. Section 24 of the said Ordinance is hereby amended by <sup>Section 24
amended</sup> adding thereto the following subsection:

"(5) Every licensed hotel shall be provided with suitable fire escapes to be approved by the inspector and in places having a fire brigade by the chief of such brigade."

3. Section 33 of the said Ordinance is hereby amended by <sup>Section 33
amended</sup> striking out the words "the amount of the Territorial licence fee and" where they occur therein; and by inserting after the word "together" where it first and secondly occurs therein the words "of inspection of the premises."

4. Subsection (2) of section 35 of the said Ordinance is <sup>Section 35
amended. New
subsection (2)</sup> hereby repealed and the following substituted therefor:

"(2) The amount estimated by the Attorney General for expenses as provided in section 33 hereof when received shall be deposited and retained in a trust account until the actual expenses incurred are ascertained when the amount of such actual expenses shall be paid to the persons entitled and the balance if any shall be refunded to the applicant;

"Provided that if the amount of the actual expenses when

ascertained should prove to be greater than the amount paid by the applicant for expenses as estimated the difference shall be paid by the applicant to the Territorial Treasurer forthwith upon demand ; and in the event of failure on the part of the applicant to pay the same within fifteen days after such demand the same may be recovered as a debt at the suit of the Attorney General ; and the licence if any of the applicant may be suspended by the Attorney General until such payment is made and in the meantime the actual expenses unprovided for shall be paid out of the general revenue fund."

Section 40
amended

5. Section 40 of the said Ordinance is hereby amended by adding at the end of clause 6 the following words: "and if not "the owner of the premises whether he has a lease of such "premises for the term of the currency of the licence applied "for."

Section 47
amended

6. Section 47 of the said Ordinance is hereby amended by striking out the word "Her" where it occurs therein and substituting therefor the word "His."

New section 50

7. Section 50 of the said Ordinance is hereby repealed and the following substituted therefor :

"**50.** The rights and liabilities of a licensee shall enure to the legal representative of a deceased licensee and to the transferee of the business of a licensee for a period of sixty days after the death or transfer ; and during such period such legal representative or transferee shall for the purposes of this Ordinance be considered a licensee ;

"(2) At the expiration of the said period of sixty days the licence shall *ipso facto* become forfeited and be absolutely null and void unless such legal representative or transferee shall prior thereto have obtained the written consent of the Attorney General to the continuance of the business or to the transfer of the licence :

Provided that the said period of sixty days may be extended, for good cause shown, by the Attorney General for a further period not exceeding thirty days.

"(3) Upon such written consent being given the legal representative or transferee as the case may be shall have the same rights and be subject to the same liabilities as if the licence had been originally granted to him and shall for the purpose of this Ordinance be deemed a licensee."

Section 61
amended

8. Section 61 of the said Ordinance is hereby amended by adding thereto the following subsection :

"(2) Every holder of a hotel licence shall also keep exhibited on the outside and over a front door of the bar room and in some conspicuous place in the bar room a notice printed in large letters in the following words: "This bar "room is required to be closed from the hour of 7 o'clock p.m. "on Saturdays to the hour of 7 o'clock a.m. on the Monday

"following and on other days of the week from the hour of "11.30 o'clock p.m. to the hour of 6 o'clock a.m. of the following "day."

9. Section 65 of the said Ordinance is hereby amended by ^{Section 65} inserting after the words "out of" where they occur therein ^{amended} the following words 'and on the same side of."

10. Section 73 of the said Ordinance is hereby amended by ^{Section 73} ^{amended} adding thereto the following subsection:

"(3) The existence of dice or other appliances for gambling in any bar room in any licensed premises shall be *prima facie* evidence of an infraction of the provisions of this section."

11. Section 80 of the said Ordinance is hereby amended by ^{Section 80} ^{clause 1} ^{struck out} striking out clause 1 thereof.

12. Section 82 of the said Ordinance is hereby amended by ^{Section 82} ^{amended} adding after the word "hereof" where it occurs therein the following words "except subsection (3) thereof."

13. Section 84 of the said Ordinance is hereby amended by ^{Section 84} ^{amended} striking out of subsection (1) thereof all of the words after the word "liable" where it occurs therein and substituting therefor the following words: "on summary conviction to a penalty of "not less than \$50 nor more than \$100 with absolute forfeiture "of licence; and in default of payment forthwith after con- "viction to not less than two months nor more than four "months imprisonment with absolute forfeiture of licence."

14. Section 95 of the said Ordinance is hereby amended by ^{Section 95} ^{amended} inserting after the word "made" where it occurs therein the following words: "or other matter, act or thing to be done."

15. Section 97 of the said Ordinance is hereby amended by ^{Section 97} ^{amended} adding at the end of subsection (1) thereof the following words "and for such purpose may with such assistance as he deems "expedient break open any door, lock or fastening of such "premises or any part thereof or of any closet, cupboard, box "or other receptacle which might contain liquor."

16. Subsection (5) of section 119 of the said Ordinance is ^{Section 119} ^{amended} hereby amended by inserting as the first words thereof the following words "Subsections (3) and (4) of."

17. Section 122 of the said Ordinance as amended by ^{Section 122} ^{amended} section 18 of chapter 32 of the Ordinances of 1900 is hereby amended by striking out all of subsection (1) thereof after the word "require" where it occurs therein and substituting therefor the following words: "An inspector to give notice in "writing in form L in schedule 1 of this Ordinance signed by "him to all licensees whose premises are in the locality where "such drunkard or lunatic resides not to sell, give or

"deliver or suffer to be sold, given or delivered to such drunkard or lunatic any intoxicating liquor for the period of one year from the date of such notice."

Forms amended

18. The forms in the schedules to the said Ordinance are hereby amended by substituting for the words "Her Majesty" where they occur therein the words "His Majesty" and for the words "Queen Victoria, Her Heirs and Successors" where they occur therein the words "King Edward the Seventh, His Heirs and Successors."

Commercial travellers licence

19. The Attorney General may grant licences to commercial travellers and agents empowering them to take orders in the Territories for liquor to be imported into the Territories to fill such orders.

(2) Such licence shall not empower the person to whom it is granted to keep a stock of liquor in the Territories but merely to take orders for liquor to be sent into the Territories to fill such specific orders.

(3) Such licence may be transferred by the Attorney General upon payment of the fee of \$10.

(4) Any person who solicits or takes any order in the Territories for liquor to be supplied from outside the Territories without having obtained the licence in this section mentioned shall be liable to the penalty prescribed by section 85 of the said Ordinance.

Quantities that may be sold

20. The licence granted under the next preceding section shall authorise the sale of liquor only in quantities of not less than five gallons in each cask or vessel at any one time or where such sale is in respect of bottled liquor in quantities of not less than one dozen bottles of at least three half pints each or two dozen bottles of at least three fourths of one pint each at any one time.

(2) The provisions of the said Ordinance as to applications for licences and the proceedings thereunder shall not apply to licences granted under either of the two next preceding sections.

(3) Such licence shall expire on the thirtieth day of June in each year and the fee payable therefor shall be \$100.

Section 22 of Chapter 32 of 1900 amended

21. Section 22 of chapter 32 of the Ordinances of 1900 is hereby amended by adding thereto the following subsections:

"(2) Any justice making a conviction for any violation or contravention of any of the provisions of the said Ordinance shall not transmit the conviction to the court to which an appeal is given unless and until the affidavit required by this section has been made and deposited with him; and unless such affidavit shall be made and deposited with such justice within the time limited by this section any notice of appeal or other proceedings respecting appeal which may be given or

taken shall be absolutely null and void and of no effect whatever; and the justice shall proceed in respect of such conviction as if no such notice of appeal had been given or proceeding taken.

"(3) Upon notice being given of appeal from a conviction for an infraction of the said Ordinance a consequence of which conviction is a forfeiture of the licence of the person convicted and upon the affidavit required by this section being made and deposited as provided the Attorney General may apply to the court to which such appeal is made to expedite the hearing of the said appeal and to fix a time and place for such hearing; and the court shall thereupon fix such time and place for the disposal of the said appeal as to it may seem proper."

22. This Ordinance and chapter 32 of the Ordinances of 1900 shall be read with and form part of *The Liquor Licence Ordinance.*

This Ordinance and chapter 32 of 1900 to form part of Liquor Licence Ordinance

1901

CHAPTER 34.

An Ordinance to incorporate The North-Eastern Stock Growers' Association.

[Assented to June 12, 1901.]

Preamble

WHEREAS at a meeting of stock growers held at the town of Yorkton on the twenty-eighth day of January, A.D. 1901, an association of stock growers was formed under the name of The North-Eastern Stock Growers' Association for the purpose of fostering, protecting and advancing the interests of its members as stock growers; and

Whereas a board of management consisting of a president, two vice presidents and twelve directors was elected at the aforesaid meeting and the members of the said board were authorised to apply for an Ordinance to incorporate the said association; and

Whereas a petition has been presented praying for an Ordinance to incorporate the said association;

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Incorporation of association

1. James Carson of White Sand, Thomas Fulton of Etoimami, Ezra Anson Healy and John Absalom Snell of Yorkton, Thomas Henry Garry of Willow Brook, John Salkeld of Redpath, Thomas MacNutt of Saltcoats, John Brown of Mulock, Ebenezer A. W. R. McKenzie of Fort Pelly, John Watson and Robert Buchanan of Devil's Lake, Frank Bray of Foam Lake, Matthew Peace of Fishing Lake, Thomas G. Morrison of File Hills, and William Brice of McDonald Hills and such other persons as have heretofore or shall hereafter become members of The North-Eastern Stock Growers' Association shall be and are hereby constituted a body politic and corporate by and under the name of The North-Eastern Stock Growers' Association.

Objects

2. The objects of this association and the purposes for which it is incorporated are to foster, protect and advance the interests of its members as stock growers by aiding them in the recovering of impounded, lost, strayed or stolen animals; in prosecuting persons wilfully or negligently misappropriating live stock; in protecting the rights of its members as owners of registered brands; in verifying pedigrees of animals offered for sale or service in any of the stock districts hereinafter defined; in prosecuting persons publishing fraudulent pedigrees

of animals offered by them for sale or service; in importing, buying, selling or exchanging stock; in inspecting live stock shipped or driven from or into any of the said districts; in co-operating with stock growers' associations in other parts of the Territories; and in using to these ends such lawful means as may be expedient.

3. The said corporation by the name of The North-Eastern Stock Growers' Association shall have perpetual succession and a common seal; and shall have power from time to time and at all times hereafter to purchase, acquire, hold, possess and enjoy and have, take and receive to themselves and their successors to and for the actual use and occupation of the said association any lands, tenements, hereditaments and real and immovable property and the same to sell, alienate, exchange and otherwise dispose of whenever the said corporation deems it advisable to do so and shall and may by the same name sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever.

4. The business of the said corporation shall be managed by a board of management consisting of a president, two vice presidents and not more than twelve directors, all of whom shall be members of the association which board shall consist of the persons mentioned in the first section of this Ordinance until their successors are elected as hereinafter provided.

5. The first general meeting of this association shall be held at the town of Yorkton within two months of the date of the passing of this Ordinance and notice of the time and place of holding such meeting shall be published in each issue of every weekly newspaper published within any of the stock districts created by this Ordinance and also a notice in each post office in the district at least three weeks before the date of the meeting and at such meeting the board of management shall be elected to hold office until the next general annual meeting and at all general meetings ten members shall be a quorum.

6. The president and vice presidents of the association shall be elected irrespective of the stock districts in which they reside and two directors shall be chosen to represent each of the stock districts created by this Ordinance who shall be resident of or owners of stock in the districts which they are chosen to represent.

7. There shall be a general annual meeting of members of the association on the first Wednesday in June in each year at such time and place as the board of management determines and the secretary shall mail notice of such meeting to each member of the association at least three weeks prior to the date of the meeting but if from any cause such general annual meeting be not so held the board of management shall continue in office until their successors are elected and shall within

thirty days after the date fixed for the annual meeting call a special general meeting of the members for the purpose of transacting such business as should have been transacted at such general annual meeting and similar notice of such special general meeting shall be mailed to each member.

Election of officers, etc.

8. Officers and directors of the association shall be elected in such manner of election as may be determined by the meeting at which the election is to be held and votes for the election of officers and directors may be given in person or by proxy but no member whose right to vote is protested shall be entitled to vote either in person or by proxy who at the time of voting is indebted to the association:

Provided that no appointment of any proxy to vote at any general meeting of the association shall be valid unless made in writing within the two months next preceding the date of such meeting.

Qualification for membership

9. Any person engaged in the business of stock growing in the North-West Territories may subject to the provisions of any bylaw of the association in that behalf not inconsistent herewith become a member thereof by paying to the secretary treasurer the sum of three dollars and filing with him application for membership in the form in the schedule to this Ordinance.

Annual assessment

10. Every member of the association shall as such be liable to an annual assessment at a rate not exceeding five cents per head for every head of horses or cattle owned or agisted by him within any of the stock districts created by this Ordinance the amount of such rate in any year and the date of its levy and collection being determined by the board of management.

May be recovered as a debt

11. The amount due by each member under such assessment may be recovered as a debt due the association.

Appointment of officers

12. The board of management shall each year immediately after election appoint a secretary treasurer and auditor and such other officers as the bylaws of the association may require.

Meetings of board of management

13. The board of management shall have power to meet from time to time for the transaction of business and five members thereof shall be a quorum.

Filling vacancies in board of management

14. Vacancies occurring in the board of management shall be filled by appointments made by the remaining members of the board in meeting regard being had to the representation of the several stock districts on the board.

Financial statement

15. The board of management shall each year submit to the annual general meeting a properly audited financial statement showing the year's receipts and disbursements and an inventory of assets and liabilities.

16. Special general meetings of the association may be called at any time by the board of management mailing notice thereof stating the objects of the meeting in the manner provided for sending notice of the annual general meeting.

17. Bylaws, rules and regulations not inconsistent with the provisions of this Ordinance respecting any of the purposes for which the association is incorporated or providing for the transaction of its business, the suspension, expulsion and retirement of members and the rearrangement of boundaries between stock districts created by this Ordinance may be passed at any annual general meeting of the association or at any special general meeting called for the purpose and any such bylaw, rule or regulation may subsequently be amended or repealed by a three-fifths majority of the members present at any general annual meeting but no bylaw, rule or regulation shall be suspended at any meeting except by unanimous consent.

18. Each member of the association shall upon request send to the secretary treasurer a correct statement of the number of cattle and horses owned or acquired by him in any of the stock districts created by this Ordinance together with such other information as may be necessary for the purposes of the association and the board of management may require that such statement and information be verified by statutory declaration.

19. No member of the association shall be held liable for any debt, claim or demand due by the association or for the acts or defaults of the association beyond any sums due by him to the association on account of his membership therein and any member not indebted as aforesaid may resign his membership in the association by filing with the secretary treasurer such resignation attested by his signature.

20. For the purposes of this Ordinance the following stock districts are hereby created and defined that is to say:

(1) The Saltcoats stock district bounded on the east by the eastern boundary of the North-West Territories, on the north by the line between townships 25 and 26, on the west by the line between ranges 2 and 3 west of the second principal meridian and on the south by the Qu'Appelle river.

(2) The Pelly stock district bounded on the east by the eastern boundary of the North-West Territories, on the north by the line between townships 40 and 41, on the west by the line between ranges 2 and 3 west of the second meridian and on the south by the line hereinbefore described as the northern boundary of the Saltcoats stock district.

(3) The Yorkton stock district bounded on the east by the line between ranges 2 and 3 west of the second meridian, on the north by the line between townships 27 and 28, on the

west by the line between ranges 10 and 11 west of second meridian and on the south by the Qu'Appelle river.

Devil's Lake (4) The Devil's Lake stock district bounded on the east by the line between ranges 2 and 3 west of second meridian, on the north by the line between townships 40 and 41, on the west by the line between ranges 10 and 11 west of second meridian, and on the south by the line hereinbefore mentioned as the northern boundary of the Yorkton stock district.

Touchwood (5) The Touchwood stock district bounded on the east by line between ranges 10 and 11 west of second meridian, on the north by the line between townships 40 and 41, on the west by the line between ranges 23 and 24 west of second meridian and by Last Mountain Lake and on the south by the line between townships 26 and 27.

Qu Appelle (6) The Qu'Appelle stock district bounded on the east by the line between ranges 10 and 11 west of second meridian, on the north by the line between townships 26 and 27, on the west by Last Mountain Lake and the outlet of said lake, and on the south by the Qu'Appelle river.

Short title 21. This Ordinance may be cited as *The North-Eastern Stock Growers' Association Ordinance*.

SCHEDULE.

FORM OF APPLICATION FOR MEMBERSHIP.

To the Secretary Treasurer of *The North-Eastern Stock Growers' Association*.

The undersigned hereby applies for membership in *The North-Eastern Stock Growers' Association* and agrees if admitted to membership to be bound by the provisions of the Ordinance incorporating the said association and of all bylaws thereof lawfully imposing duties and obligations on members. His post office address is.....and he carries on the business of stock growing in township.....range.....west of the.....Meridian.

Dated at.....this.....day of.....A.D. 19....

1901

CHAPTER 35.

An Ordinance to Incorporate The British Canadian Trust and Guarantee Company.

[Assented to June 12, 1901.]

WHEREAS a petition has been presented praying for the incorporation of a company for the purpose and with the powers herein set forth and

Whereas it is deemed expedient to grant the prayer of the said petition :

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. John T. Huggard of Winnipeg, barrister at law, William ^{Incorporation} Smith of Winnipeg, manager of the Colonial Investment Company of Winnipeg, I. Bennetto of the same place, wholesale merchant, Charles F. P. Conybeare of Lethbridge, advocate and Charles B. Bowman of the same place, agent, and all and every other person or persons who shall hereafter become stockholders in the said company shall be and they are hereby created a body corporate and politic by and under the name of The British Canadian Trust and Guarantee Company and by that name shall have perpetual succession and may sue and be sued and have and use a common seal and be capable by law to make, deliver and accept and receive all deeds, conveyances, mortgages, transfers, assignments and contracts necessary to carry into effect the provisions of this Ordinance and to promote the objects and designs of the said company.

2. The objects of the said company shall be and it is hereby ^{Objects of} _{company} authorised to take, receive and hold all estates and property, real and personal which may be granted, committed, transferred, delivered or conveyed to it with its consent upon any trust or trusts whatsoever not contrary to law at any time or times by any person or persons, body or bodies corporate or by any court of the Territories and to administer, fulfil and discharge the duties of such trusts for such remuneration as may be agreed on and they are also authorised to act generally as agents or attorneys for the transaction of business and the management and winding up of estates.

3. The said company is also authorised to act as a safe ^{Safe deposits}

deposit company and to receive and store for safe keeping all kinds of securities and personal property and to rent spaces and compartments for the storage of securities or personal property; and to enter into all legal contracts for regulating the terms and conditions upon which the said business is to be carried on; and for such purposes to acquire by purchase, lease or otherwise such real and personal estate and property as may by said company be considered necessary.

Company may
act as
executor

4. The said company is also authorised to accept and execute the offices of executor and administrator, *administrator de bonis non*, trustee, receiver, curator, assignee, liquidator, sequestrator, receivor, guardian of any minor or of a committee of any lunatic or to perform any of the duties appertaining to any such office in respect of any estate, matter or proceeding under the authority of any court or judge; and in all cases when application shall be made to any court in the Territories having jurisdiction for that purpose or for the appointment of any executor, trustee, receiver, guardian, administrator, *administrator de bonis non* or committee of any lunatic it shall be lawful for any such court to appoint the said company subject as hereinafter provided with its consent to hold such office or offices; and the accounts of the said company as such executor, administrator, *administrator de bonis non*, trustee, receiver, assignee, guardian or committee shall be regularly settled and adjusted by the proper officers or tribunals; and all proper, legal, usual and customary charges, costs and expenses shall be allowed to the said company for the care and management of the estate so committed to it.

Trust
accounts to
be kept

5. The moneys and securities of each trust shall always be kept distinct from those of the company and in separate accounts and so marked in the books of the company for each particular trust as always to be distinguished from any other in the registers and other books of account to be kept by the company and so invested that at no time shall trust moneys form part of or be mixed with the general assets of the company; and the company shall in the receipt of all trust moneys and securities and the overseeing and management of the same keep distinct records and accounts of all operations connected therewith;

Provided always that in the management of money and property held by the company as trustees under the powers conveyed by this Ordinance the company may unless the authority making such appointment shall at the time of making such appointment otherwise direct invest the same in a general trust fund of the company.

Trust mem-
bers not liable
for debts of
company

6. The moneys, securities and properties received or held by the company under the provisions of this Ordinance upon trust as agent of any person or persons shall not be liable for the debts or obligations of the company.

7. Notwithstanding any rule of practice or any provisions of any Ordinance requiring security it shall not be necessary for the said corporation to give any security for the due performance of its duty in any of the said offices as set out in section 4 above; but in lieu thereof such court or judge may from time to time require the corporation to render an account of its administration of the particular trust or office to which it has been so appointed and may from time to time appoint a suitable person to investigate the affairs and management of the corporation as to the security afforded to those by or from whom its engagements are held; and such persons shall report thereon to any court or judge; and the expense of such investigation shall be borne as may be ordered by such court or judge.

8. The Lieutenant Governor in Council may revoke the privilege dispensing with security as mentioned in section 7 of this Ordinance; and the said court shall not nor shall any judge thereof after notice of such revocation appoint the corporation to any of the offices mentioned in section 4 hereof unless it gives the like security for the due performance of its duty as would be required from a private person.

9. The liability of the corporation to persons interested in any estate or property held by the said corporation in any such office as aforesaid shall be the same as if the estate or property had been held by any private person in such capacity respectively and its powers shall be the same.

10. The said court or any judge thereof may by order made with the consent of the said corporation direct that any money held by such court or under its control be deposited with the said corporation upon such terms as to the payment of interest thereon and otherwise as may be provided in and by such order; and in such event the corporation may invest the same in any of the securities mentioned in such order or as specified in section 15 of this Ordinance but in no others.

11. The said company shall be subject at all times to the further orders, judgments and decrees of any court of record or judge from which it shall have accepted any trusts, appointment or commission as to such trust; and shall render to such court itemised and verified accounts, statements and reports as may be required by law or as such court or judge shall order in relation to such particular trust.

12. The said company in the execution of any trusts assumed under the powers contained in this Ordinance shall have all the powers, rights and privileges conferred upon trustees, executors and administrators of estates under the provisions of any trustees Ordinance in force in the Territories,

Power to
guarantee
repayment of
money

13. The company may also guarantee payments of principal or the payment of the interest or both of any moneys held by the company for investment under any of the trusts authorised or agreed upon.

Power to hold
real estate

14. The said company shall have power to hold real estate not exceeding \$50,000 in value for the purpose of its business; and further subject to the laws in force in the Territories any real estate of whatever value which being mortgaged to them may be acquired by them for the protection of their investments; and may from time to time sell, mortgage, lease or otherwise dispose of the same.

Investments
of capital, etc.

15. The said company shall have power and it is hereby authorised to invest any moneys forming part of its capital or reserve or accumulated profits in such securities real or personal as the directors may from time to time deem expedient:

Provided nothing in this Ordinance shall authorise the company to engage in the business of banking or life insurance.

(2) The said company shall not loan its funds, moneys, capital, trust funds or any other money whatsoever to any director, officer, agent or employee thereof; nor shall any director, officer, agent or employee become in any manner indebted to the said company except for any unpaid liability for shares subscribed:

Provided that the execution and delivery of any bond required from such officer, agent or employee shall not be considered as an indebtedness for the purpose of this section.

Capital stock

16. The capital stock of the said company shall consist of ten thousand shares of \$50 each being \$500,000 with the privilege of increasing the same by a vote of the shareholders to \$1,000,000 and should the capital stock at any time be increased the shareholders at the time of such increase shall be entitled to a *pro rata* allotment of such increase.

Board of
directors

17. The affairs of the company shall be administered by a board of not less than five directors being severally holders of at least twenty shares of stock upon which all calls have been paid; and the office of a director upon his ceasing to hold that number of shares or becoming insolvent by voluntary assignment or compulsory liquidation shall immediately and *ipso facto* cease and be vacated.

(2) Such directors shall be elected at the first general meeting and thereafter at each annual meeting of the company to hold office until their successors are elected and if otherwise qualified may always be re-elected; and a majority of the members of such board shall be a quorum thereof; and in case of the death, resignation, removal or disqualification of any directors such board if they see fit may fill the vacancy until

the next annual meeting of the company by appointing any qualified shareholder thereto; but a failure to elect directors or any failure of directors shall not dissolve the corporation and an election may be held at any general meeting of the company called for the purpose:

Provided always that no more than two hundred votes shall be cast by any one person on shares held by him in his own name or held for him in trust by any other person or persons.

18. The board of directors shall have power in all things to administer the affairs of the company and to make or cause to be made any purchase and any description of contract which the company may by law make; to adopt a common seal; to make from time to time any and all bylaws not contrary to law or to the votes of the shareholders regulating the calling in of instalments on stock and payment thereof, the issue and registration of share certificates, the forfeiture of shares for nonpayment of calls or instalments, the disposal of forfeited stock and the proceeds thereof, the transfer of shares, the declaration and payment of dividends, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company and their remuneration, the time and place for holding the annual and other meetings of the company within the Territories, the calling of meetings of the company and of the board of directors, the requirements as to proxies, the procedure in all things at such meetings, the site of their chief place of business and of any offices which they may require to have, the imposition and recovery of all penalties and forfeitures admitting of regulation by bylaw and the conduct and management in all other particulars of the affairs of the company; but every such bylaw and every repeal, amendment and re-enactment thereof shall have force only until the next meeting of the company unless confirmed at a general meeting of the company or at an extraordinary meeting of the company called for that purpose and every copy of any bylaw under the seal of the company and purporting to be signed by any officer of the company shall be received in all courts of law as *prima facie* evidence of such bylaw.

19. For the purpose of organising the said company the persons named in section 1 of this Ordinance shall be provisional directors thereof; and they or a majority of them may cause stock books to be opened upon which stock books shall be recorded the transactions of such persons or corporations as desire to become stockholders in the said company; and such books shall be opened at the town of Lethbridge or elsewhere at the direction of the provisional directors and shall remain open as long as they may deem necessary.

20. The said company shall not be entitled to commence business until at least \$100,000 of stock shall have been ^{Commencement of business} bona _{business}

fide subscribed and an amount equal to at least twenty-five per cent. paid on the stock so subscribed when the shareholders may elect directors at an extraordinary general meeting to be called as before provided.

Power to amalgamate with other company

21. The said company shall have power to amalgamate with or purchase the business of any other company authorised to transact the execution of trusts upon such terms and conditions as may be agreed upon and as shall not impair the recourse and remedy of any creditor of either company; but before such amalgamation or purchase the consent of two-thirds of all shareholders of The British Canadian Trust and Guarantee Company shall be obtained at the general or special meeting of the shareholders called for that purpose.

Agencies and local boards

22. The said board may appoint agencies or local boards of directors in any city or town in Great Britain or the Dominion of Canada their mode of appointment and powers to be fixed by the bylaws of the company.

Power to hold shares in other company

23. The company may subscribe for and accept transfers of and possess shares in the capital stock of any other company or corporation in payment or on account of any or all rights or other privileges purchased, leased or otherwise acquired from the company; and in order to receive payment in whole or in part of any claim due to it by any company or corporation the company may with their consent continue the business carried on by any such company or corporation.

Power to acquire mortgages

24. It shall be lawful for the company to acquire by purchase or otherwise mortgages upon real estate and debentures of municipal or other corporations issued under statutory authority and to resell the same at such time and in such manner as to it may seem expedient.

Borrowing powers

25. The directors may from time to time with the consent of the majority of the shareholders of the company present at any general meeting either in person or by proxy borrow money on behalf of the company at such rates of interest and upon such terms as they may from time to time think proper; and the directors may for that purpose make and execute any mortgages, bonds or other instruments under the common seal of the company for any sums of not less than \$100 each or assign, transfer or deposit by way of equitable mortgage or otherwise any of the documents of the title, deeds, muniments, securities or property of the company and either with or without powers of sale or other special provisions as the directors shall deem expedient.

Form of debentures

26. The debentures to be issued under the authority of this Ordinance shall be in such form as the directors shall decide upon.

27. It shall be lawful for the company in exercising the Investments powers conferred by this Ordinance as agent on behalf of others to lend money on any security real or personal or both ; and to purchase mortgages, bonds and debentures of municipal or other corporations, the stock of incorporated banks and other securities or evidence of debt and the same to resell as it may seem advisable ; and for that purpose to execute such assignments or other instruments as may be necessary for carrying the same into effect.

28. The company may by resolution authorise the issue of Paid up stock paid up shares in payment of any of its obligations :

Provided that the amount of the paid up stock as issued shall not exceed the amount of its authorised capital.

29. The company may appoint or elect an advisory board ^{Advisory board} in any of the Provinces of Canada wherein the company is licensed to transact business whose duties shall be defined by the bylaws of the company ; and the persons named in section 1 of this Ordinance shall be directors of the company until replaced as aforesaid ; and such directors may exercise all such powers, give all such consents, make all such arrangements and agreements and generally do all such acts and things as are or shall be by any bylaw of the company or articles of the company directed to be authorised, given, made or done by the company and are not thereby expressly directed to be exercised, given, made or done by the company in general meeting but subject nevertheless to the provisions of such acts, bylaws and articles and subject also to such regulations if any as may from time to time be prescribed by the company in general meeting ; but no regulations made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if such regulations had not been in force.

30. The act of the directors or of any committee thereof Validity of appointed by the directors shall notwithstanding that it may acts of directors afterwards be discovered that there was some defect in the appointment of any such director or member of any such committee or that they or any of them were or was disqualified be as valid as if such person had been duly appointed and was qualified to be a director.

31. The appointment or election of directors and officers ^{Bylaws} and the time, place and mode of calling and holding ordinary and extraordinary or other meetings of the company and of the directors and of the officers and the proceedings at meetings of the company and the directors shall be subject to and regulated by such rules, regulations, bylaws and provisions as the shareholders shall from time to time make, prescribe and adopt ; and the directors shall have such powers, privileges and authorities as may be set forth and directed in and by bylaws of the company passed from time to time at any general meeting of the company.

Register
prima facie
evidence

32. The register of shareholders shall be *prima facie* evidence of any matter by this Ordinance directed or authorised to be entered therein.

Liability of
shareholders

33. No shareholder of the company shall be liable for or charged with the payment of any debt or demand due from the company beyond the extent of his shares in the capital of the company not then paid up.

Offices

34. The company shall at all times have an office in Lethbridge and in such other parts of the Territories as the directors may determine.

Mode of
service of
papers on
company

35. Any summons, statement of claim, notice, order or other document required to be served upon the company in the Territories may be served by leaving the same at any of the company's offices in the Territories with an adult person in the employ of the company.

Service on
shareholder

36. A notice or other document served by registered post by the company on a shareholder shall be taken as served at the time when the letter containing it would be delivered in the ordinary course of post; and proof that such letter was properly addressed and put into the post office and time when it was put in and the time for its delivery in the ordinary course of post shall be sufficient proof of such service.

Companies
Ordinance
to apply

37. Subject to the provisions of this Ordinance the provisions of *The Companies Ordinance* shall in so far as the same may be applicable thereto apply to the company.

Commencement

38. This Ordinance shall come into force on the day of assent being given thereto.

1901

CHAPTER 36.

An Ordinance to Incorporate The Saskatchewan Exploration Company, Limited.

[Assented to June 12, 1901.]

WHEREAS a petition has been presented praying for the incorporation of a company for the purposes and with the powers herein set forth and it is expedient to grant the prayer of the said petition :

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. Lieutenant Colonel Gustave Adolphe Drolet, of Montreal, Incorporation in the Province of Quebec ; Edward Otter, of Stanhope Park, Greenford, Middlesex, England ; John H. Gretton, barrister at law, 2 Mitre Court Buildings, Temple, E.C., England ; Raymond Prefontaine, Esquire, barrister at law, king's counsel, member of the House of Commons, mayor of Montreal, Montreal, in the Province of Quebec ; Philip Edmond Mont, doctor of medicine, of Montreal, Province of Quebec ; George Tripeony, 161 Hemmingford road, Barnsbury, London, N., England ; Gustave Drolet-Massue, Esquire, seignior of St. Aime, Manor House, St. Aime, County of Richelieu, in the Province of Quebec ; together with each person as becomes shareholder in the company hereby incorporated are hereby constituted a body corporate under the name of "The Saskatchewan Exploration Company, Limited," hereinafter called "the company."

2. The company may :

1. Prospect for, open, explore, develop, work, improve, General powers maintain and manage gold, silver, copper, coal, platinum, iron and other mines, mineral and other deposits and properties, take over, raise, crush, wash, smelt, assay, analyse, reduce and amalgamate and otherwise treat ores, metals and minerals whether belonging to the company or not and render the same marketable and sell or otherwise dispose of the same or any part thereof or interest therein ;

2. By dredging and other means explore, develop and work for gold, platinum, iridium and other precious metals or minerals of any kind, nature or description whatsoever ;

3. Acquire by purchase real and personal property of all kinds and description, lease, concession, licence, exchange or other legal title mines, mining land, dredging rights, easements, mineral properties or any interest therein, minerals and ores and mining claims, options, powers, privileges, water and other rights, patent rights, letters patent of invention, process and mechanical or other contrivances and either absolutely or conditionally and either solely or jointly with others and as principals, agents, contractors or otherwise and lease, mortgage, place under licence, hypothecate, sell, dispose of and otherwise deal with the same or any part thereof or any interest therein;

4. Contract, maintain, alter, make and operate on the property of the company or on property controlled by the company by lease, licence or otherwise, tramways, telephone lines and reservoirs, dams, flumes, race and other ways, water powers, aqueducts, wells, roads, piers, buildings, shops, stamping mills and other works and machinery, plant and electrical and other appliances of every description and buy, sell, manufacture and deal in all kinds of goods, stores, implements, chattels and effects required by the company or its workmen or servants;

5. Take, acquire and hold as a consideration for ores, metals or minerals, dredging, mining or other rights, sold or otherwise disposed of or for goods supplied or for work done by contract or otherwise, shares, debentures, bonds or other securities of or in any company having objects similar to those of the company and sell or otherwise dispose of them;

6. Enter into any arrangement for sharing profits, union of interest or co-operation with any other person or company carrying on or about to carry on any business or transaction which may be of benefit to the company;

7. Purchase or otherwise acquire and undertake all or any part of the assets, business, property, privileges, contracts, rights, obligations and liabilities of any person or company carrying on any part of the business contemplated by this Ordinance of incorporation;

8. Do all such acts, matters and things as are incidental or necessary to the due attainment of the above objects or any of them.

Offices

3. The company shall at all times have an office at Edmonton, N.W.T., or in such other place in the said Territories as the directors from time to time determine by bylaw; and may also establish offices in any of the Provinces of Canada which offices shall be the legal domicile of the company in the Territories or such Province respectively; and they may establish agencies elsewhere as they may deem expedient.

Capital stock

4. The capital stock of the company shall be \$2,000,000 divided into shares of \$1 each, such capital stock to be issued in whole or in part as the directors determine and may be

called up by the directors from time to time as they deem necessary; but no call subsequent to the allotment of shares shall exceed ten cents per share nor be made at less intervals than two months.

5. The directors may at any time after the whole of the capital stock of the company has been subscribed for, taken up, issued or allotted and fifty per centum of the said capital stock of \$2,000,000 be paid make a bylaw for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company; but such capital stock shall not in any event be increased beyond \$10,000,000. Increase of capital stock

6. Such bylaw shall declare the number of shares of the new stock and may prescribe the manner in which the same shall be allotted; and in default of its so doing the control of such allotment shall vest absolutely in the directors. Bylaw for new stock

7. Notwithstanding anything in *The Companies' Ordinance* contained the directors may from time to time by bylaw authorise, empower and direct the issue and sale of shares of the capital stock of the company at a discount which said bylaw shall fix and declare the rate of discount, terms and conditions of said issue but such bylaw before being acted upon shall be ratified by the shareholders of the company. Sale at a discount

(2) Every stock certificate issued by the company under the provisions of this Ordinance shall bear upon the face thereof distinctly written or printed the words "Incorporated under Ordinance of the Legislative Assembly of the North-West Territories of Canada" and where such stock certificates are issued in respect of shares subject to call the words "Subject to call" or if in respect to shares not subject to call the words "Not subject to call" according to the fact. Notice in stock certificate

(3) The company shall have written or printed upon every prospectus, stock certificate, bond contract, agreement, notice, advertisement and other official publication and in all bills of exchange, promissory notes, endorsements, cheques and orders for money or goods purporting to be signed by or on behalf of the company and in all bills of parcel, invoices and receipts of the company immediately after or under the name of the company and shall have engraved upon its seal the words "No personal liability." Notice in prospectus, etc.

(4) In the event of any call or calls on shares in the company remaining unpaid by the holder thereof for a period of ninety days after notice and demand of payment such shares may be declared to be in default; and the secretary of the company may advertise such shares for sale by public auction to the highest bidder for cash by giving notice of such sale in some newspaper published at the place where the principal office of the company is situated for a period of two months; and said notice shall contain the numbers of the Nonpayment of calls

stock certificate or stock certificates in respect of such shares and the number of shares, the amount of the assessment due and unpaid and the time and place of sale; and in addition to the publication of the notice aforesaid notice shall be personally served upon each shareholder by registered letter mailed to his last known address; and if the holder of such shares fails to pay the amount due upon such shares with interest upon the same and cost of advertising before the time fixed for such sale the secretary shall proceed to sell the same or such portion thereof as shall suffice to pay such assessment together with interest and cost of advertising:

Provided that if the price of the shares so sold exceeds the amount due with interest and cost thereon the excess thereof shall be paid to the defaulting shareholder.

Shareholders
not personally
liable

8. No shareholder in the company shall be personally liable for any calls made upon his shares nor shall such shareholder be personally liable for any debt, obligation or liability contracted by the company or for any sum payable by the company.

Provisional
directors

9. The persons mentioned by name in the first section of this Ordinance are hereby constituted the first provisional directors of the company four of whom may form a quorum; and shall hold office as such until the first election of directors; and may forthwith open stock books and procure subscriptions of stock for the undertaking and receiving payments on account of stock subscribed and cause plans, estimates and surveys to be made and deposited in any recognised bank in England or chartered bank in Canada moneys received by them on account of stock subscribed which moneys shall not be withdrawn except for the purposes of the undertaking or upon the dissolution of the company for any cause.

General
meeting

10. At any time after the passing of this Ordinance the provisional directors may call a general meeting of the shareholders of the company to be held at the town of Edmonton at such time as they determine for the purpose of passing or ratifying the bylaws of the company, electing directors and considering and determining upon any other business specified in the notice calling such meeting; and a notice in writing signed by the majority of the provisional directors stating the date and place of holding such meeting and mailed by registered letter to the address of each shareholder not less than sixty days previous to such meeting shall be deemed sufficient notice thereof.

Annual
meeting

11. The annual meeting of the shareholders shall be held on the third Tuesday in the month of January in each year at the head office of the company as fixed by bylaw.

Directors

12. At such meetings the subscribers for the capital stock assembled who have paid all calls due on their shares shall

choose not less than five nor more than eleven persons to be directors of the company one or more of whom may be paid directors.

13. The company may commence business as soon as one-fifth of the capital stock has been subscribed and five per centum paid thereon.

14. Subject to the provisions of this Ordinance *The Companies Ordinance* in so far as the same may be applicable thereto shall apply to the company.

1901

CHAPTER 37.

An Ordinance to Incorporate The Chinook Club of the Town of Lethbridge.

[Assented to June 12, 1901.]

Preamble

WHEREAS the persons hereinafter named and others in the town of Lethbridge and vicinity have associated themselves together for the establishment of a club for social purposes; and

Whereas the said persons hereinafter named have prayed to be incorporated by the name of "The Chinook Club" of the town of Lethbridge in the North-West Territories and it is expedient to grant their prayer,

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Incorporation 1. Thomas D. Kevin, P. L. Naismith, William Colpman, Frank Colpman, John L. Stovall, George W. Robinson, Charles Broughton Bowman, Henry Bentley, Maurice Barford, C. F. P. Conybeare, Robert F. Reeve, Francis Hamilton Mewburn, Leverett George DeVeber, Thomas F. Kirkham, Colin J. Atkinson, A. J. Fraser, G. H. Garden, Howell Harris, J. E. Lethbridge, E. Cameron, Charles A. Magrath, A. M. Grace and all such other persons as are now or hereinafter shall become members of the said association shall be and are hereby declared to be a body corporate and politic in deed and in name by the name of "The Chinook Club;" and by that name shall have perpetual succession and a common seal and shall have power from time to time and at all times hereafter to be able and capable to purchase, acquire, hold, possess and enjoy and to have, take and receive to them and their successors to and for the actual use of the said corporation any lands, tenements, hereditaments and real and immovable property and estate situate, lying and being within the said town of Lethbridge and the same to sell, alienate, exchange and otherwise dispose of or incumber whensover the said corporation shall deem it proper so to do; and by the said name shall and may be capable to sue and be sued, implead and be impleaded, answer and be answered unto in any matter whatsoever.

2. The constitution, rules and regulations touching the Constitution, administration of the said corporation shall be formulated at a general meeting thereof called for that purpose and of which at least ten days notice shall be given by public advertisement or otherwise to all the members thereof; and the constitution, rules and regulations then adopted shall have full force and effect in so far as the same shall not be inconsistent with the laws in force in the Territories and the provisions of this Ordinance:

Provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner therein provided.

3. The said corporation may from time to time borrow money not to exceed in the whole the sum of \$25,000 at such rate of interest and upon such terms as they may deem proper; and may for such purpose make, execute or issue any mortgages, bonds, debentures or other instruments under the seal of the said corporation.

4. Any such mortgages, bond, debenture or other instrument shall be signed by the president of the said corporation and countersigned by the secretary.

5. The moneys authorised to be raised under the provisions of section 3 of this Ordinance shall be applied exclusively in the purchase of a site for the club buildings and in the purchase, improvement or erection of a club house and dependencies thereon together with necessary furniture or for the purchase of any freehold interest therein and in the payment of any mortgage or charge thereon and for the redemption of the said debentures and reissues as they become due respectively from time to time and at all times.

6. No member of the corporation shall be in any way liable for or chargeable with the payment of any debt or demand due by the said corporation beyond the extent of the entrance fee and annual subscriptions remaining unpaid by said member and for any unpaid accounts he may have incurred to the corporation for articles ordered by him in said club; and any member of the said club not so indebted to the said corporation may retire therefrom and will cease to be a member on giving notice to that effect in such form as may be required by the constitution, rules and regulations of the said club and thenceforth shall be free from liability for any debt or engagement of the corporation.

7. The said corporation shall have power to draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the said corporation under the hands of the president and secretary thereof after authority of the committee of the said corporation so to do; and in no case shall it be necessary that the seal of the corporation be affixed

to any such bill or note nor shall the president or secretary be individually liable or responsible therefor:

Provided that nothing herein contained shall be construed to authorise the corporation to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

Power to
lease

8. Notwithstanding anything hereinbefore contained the said corporation shall have power to rent any portions of the real estate held by the said corporation upon such terms and for such period as may be agreed upon.

Short title

9. This Ordinance may be cited as "*The Chinook Club Ordinance.*"

1901

CHAPTER 38.

An Ordinance to Authorise the Town of Whitewood to Issue Certain Debentures.

[Assented to May 22, 1901.]

WHEREAS the municipal council of the town of Whitewood Preamble provisionally passed the bylaw a copy of which is a schedule hereto ;

And whereas it now appears that the said bylaw is invalid by reason of the principal money being made payable at the end of the term of twenty years therein fixed with the interest on the whole principal half yearly in the meantime instead of the principal being made payable in equal annual instalments with the interest on the whole principal or the balance thereof annually ;

And whereas the said municipal council desires to obtain legislative authority to issue debentures for the purpose and to the amount mentioned in the said bylaw making both the principal and interest payable so that there shall be paid an equal amount in each year throughout the term of twenty years hereinafter mentioned ;

Now therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows :

1. For the purpose stated in the said bylaw the municipality ^{Issue of} of the town of Whitewood may borrow a sum or sums not ^{debentures} exceeding in the aggregate the sum of four thousand dollars ; and may issue debentures therefor and for the interest thereon at any time within six months from the passing of this Ordinance each of which debentures being dated on the day of the issue thereof ; and the said debentures may be issued for the several sums of combined principal and interest payable yearly as hereinafter mentioned and shall be made payable at the Bank d'Hochelaga in the city of Winnipeg in the Province of Manitoba.

2. The said debentures shall be signed by the mayor of the ^{Execution of} municipality or by some other person authorised by bylaw to ^{debentures} sign the same and by the secretary treasurer thereof with the corporate seal of the said municipality attached.

Interest

3. The said debt may bear interest at any rate not exceeding six per centum per annum payable annually.

Repayment

4. The principal and interest of the said debt shall be repayable by yearly sums during the period of twenty years from the date of the debentures of such amount that the aggregate amount payable in any year for principal and interest shall be equal to what is payable for principal and interest during each of the other years of the said period.

Annual rate

5. During each year of the currency of the said debentures there shall be raised annually by special rate on all the ratable property of the said municipality a sum sufficient to pay the amount due in each of the said years for principal and interest as aforesaid in respect of the said debt.

Validity of
debentures

6. The said debentures issued under the authority of this Ordinance shall be absolutely valid and binding upon the said municipality notwithstanding any defect or informality whatsoever in substance or in form.

SCHEDULE.

BYLAW No. 106.

A Bylaw of the Town of Whitewood to raise by way of Loan the sum of \$4,000.

Whereas it is expedient to raise by way of loan the sum of \$4,000 for the purpose of acquiring land and erecting a town hall and offices in the town of Whitewood in the North-West Territories and completing and equipping the same;

And whereas the value of the whole ratable property of the said town according to the last revised assessment roll is \$133,057;

And whereas it is deemed expedient that the said loan be for the period of twenty years from the date on which this bylaw shall take effect with interest at the rate of six per cent. per annum payable half yearly;

And whereas in order to discharge the said principal and interest accruing due on said indebtedness as the said debt and interest become respectively due and payable according to the terms of this bylaw there will require to be raised during each and every year of said loan the sum of \$326;

And whereas it will require an equal annual rate in addition to all other rates of $2\frac{1}{2}$ mills on the dollar during each and every year of said loan for paying the interest thereon and creating an equal yearly sinking fund for paying the principal of said debt;

And whereas the total amount of the existing debt of the town of Whitewood outside the debt due for the current expenses of the year is nothing;

And whereas it is deemed expedient that this bylaw shall take effect on, from and after the first day of June, 1900;

Therefore the municipal council of the town of Whitewood enacts as follows:

(1) This bylaw shall take effect on, from and after the first day of June, 1900.

(2) That there be levied and raised an equal annual special rate of $2\frac{1}{2}$ mills on the dollar in addition to all other rates on the whole ratable property of the said town of Whitewood in each and every of the years 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919.

(3) For the purposes aforesaid the mayor of the town of Whitewood shall cause any amount of debentures of the said town of Whitewood to be made for such sums of money as may be required for the said purposes not less than \$100 and not exceeding in all the sum of \$4,000 and payable in twenty years from the day this bylaw takes effect which said debentures shall be sealed with the seal of the corporation of the town of Whitewood and signed by the mayor or by such other person as may hereafter be authorised by bylaw of said town to sign the same and shall be countersigned by the treasurer or by such other person or persons as the municipal council of the town of Whitewood may hereafter by bylaw appoint for such purpose.

(4) That the said debentures shall be made payable at the Bank d'Hochelaga, Winnipeg, at the expiration of twenty years from the day on which the bylaw is to take effect as hereinbefore mentioned and they shall have attached to them coupons for the payment of interest at the rate of six per cent. per annum payable half yearly from the day of the date thereof.

And it is further enacted by the municipal council of the town of Whitewood,

That a poll shall be held and the votes of the electors entitled to vote on this bylaw be taken on Monday the 7th day of May, 1900, at the council chambers, Whitewood, commencing at the hour of nine o'clock in the forenoon and closing at the hour of five o'clock in the afternoon of the same day and that the returning officer for the said vote shall be C. E. Baldwin.

The said returning officer shall sum up the votes for and against this bylaw on Monday the 7th day of May, A.D. 1900, between the hours of five and seven o'clock in the afternoon at the said council chambers, Whitewood.

Notice.

The above is a true copy of the proposed bylaw to borrow \$4,000 for the purposes therein mentioned which will be taken into consideration after a month from the first publication in the issue of the Whitewood Herald newspaper published on the 12th day of April, 1900.

And the poll will be held for taking the votes of the electors at the council chambers on Monday the 7th day of May, 1900, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of which all persons interested are required to take notice.

C. E. Baldwin,
Secretary of the town of Whitewood.

1901

CHAPTER 39.

An Ordinance to amend Ordinance No. 43 of the Ordinances of 1898, intituled "An Ordinance to Incorporate the Town of Wolseley."

[Assented to May 22, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. Section 2 of the said Ordinance is hereby amended by striking out all the words after the word "Ordinance" in the third line thereof.

1901

CHAPTER 40.

An Ordinance to further amend Ordinance No. 33 of the Ordinances of 1893, intituled "An Ordinance to Incorporate the City of Calgary" and to Confirm the Purchase by the said City of Calgary of its Waterworks System and provide for the issue of Debentures by the said City for Local Improvements for the year 1900.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Section 2 amended

1. Section 2 of Ordinance 33 of 1893 is amended by striking out the words between the word "township" in the eleventh line and the word "thence" in the fifteenth line thereof; and inserting in lieu thereof the words "east along the centre line of said road allowance to a point two hundred and fourteen feet five inches (214 feet 5 inches) east of the point of intersection of the line between the east and west halves of section 10 produced north with the centre line of said road allowance; thence south to the centre of the Elbow river; thence easterly and north-easterly along the centre of the Elbow river with the stream to the centre of said road allowance between sections 10 and 15; thence east along the centre of said road allowance continued to a point where it would intersect the continuation of a line running south along the centre of the road allowance between sections 13 and 14 in said township."

Subsection 2 of section 4 amended

2. Subsection 2 of section 4 of Ordinance 33 of 1893 is hereby amended by inserting after the word "dollars" in the ninth line of said subsection the words "or personal estate rated in their own names on the last revised assessment roll of the city to at least the value of \$2,000."

Section 5 amended

3. Section 5 is hereby amended by inserting after the word "roll" in the eighth line of said section the words "except as herein provided;" and by adding to such section the words:

Provided that any person otherwise duly qualified to vote but whose name is inadvertently omitted from the voters' list

shall be entitled to vote upon taking the oath prescribed by subsection 7 of section 9 of this Ordinance omitting from such oath the words "that I am the person whose name is on the list of electors now shown to me."

4. Section 117 is hereby amended by adding after subsection 18 thereof as subsection 18a— Section 117 amended

18a. For regulating, limiting or prohibiting the keeping of cattle or other live stock within the city limits ; and by adding after subsection 19 as 19a—

19a. For closing, filling up or cleaning wells, cisterns or other sources of water supply wherever the medical health officer of the city shall report the same as unfit for use or likely to be deleterious to health and for entering upon any lands for the purpose of doing so.

5. Sections 7 and 8 of Ordinance 39 of 1900 and sections ^{Sections} 134, 135, 136 and 142 of Ordinance 33 of 1893 are hereby ^{repealed} repealed.

6. Ordinance 33 of 1893 is hereby further amended—

1. By inserting as section 134 thereof : New section 134

134. The council may by a vote of two-thirds of the members present at any regular meeting of the council pass bylaws for carrying on any local improvement as defined by this Ordinance upon giving four weeks' notice of their intention so to do unless within ten days after the last publication of such notice a petition is presented by the council against the proposed work signed by one-half the registered owners of the land fronting on the street, alley, lane, way or place wherein or whereon the said local improvement is proposed to be carried on representing at least one-half the value of such lands exclusive of improvements. Bylaws for local improvements

2. And by inserting as section 135 thereof : New section 135

135. Such notice is to be inserted in a newspaper published in the City of Calgary at least once a week in a daily or weekly issue thereof for four weeks preceding the final reading of such bylaw. Notice

3. And by inserting as section 136 thereof : New section 136

136. After the passage of such bylaw it shall be lawful for the council in the same year or succeeding year to carry on the proposed improvements or service to completion before making the assessment therefor ; and such bylaw shall stand good as authority for undertaking such improvements and making such assessment or assessments and passing all necessary bylaws therefor whether the improvements shall have been or shall be undertaken and completed by the council of the same or the succeeding year or not. Completion of improvements

4. And by inserting as section 142 : New section 142

142. The council may embody in one bylaw one or more local improvements ; provided that in every such case the Bylaw for one or more local improvements

ballot papers shall be so framed that voters may vote for or against each proposed improvement and provided that no bylaw for any local improvement shall require the assent of the electors unless the amount to be paid by the city therefor shall exceed \$200 and is such that it cannot be paid out of the current year's revenue but may be passed by the council; and in all cases where a bylaw respecting local improvements is submitted to the vote of the electors the voting thereon may take place at one or more polling places as the council by bylaw directs.

Section 131
amended

7. Section 131 of Ordinance 33 of 1893 is hereby amended by inserting after the word "sewer" in the eighth line thereof the words "or laying of any water mains or pipes."

Provided however that in case the council deem it necessary in the interest of the sanitary arrangements of the city as certified by the medical health officer to construct any drains or sewers or in case the council desires to extend the waterworks system in, through or along any streets or lanes of the city the council may in any such case without a vote of the ratepayers by a vote of two-thirds of the numbers present at any regular meeting pass a bylaw or bylaws authorising the construction of such sewers or drains or the extension of the waterworks system or both and providing for the raising of the amounts necessary to carry on the said works and the assessment therefor for the city's share of said amount and for the amount to be paid by the properties fronting on the streets, lanes or places where the proposed works are to be done and the collection of the amounts so levied or assessed and fixing the time and manner in which the costs of the said works and the interest thereon are to be paid and also authorising the city to issue debentures for such amount as may be necessary on the credit of the city as provided in Ordinance 33 of 1893 and amendments thereto.

Section 143
amended

8. Section 143 of Ordinance 33 of 1893 is hereby amended by striking thereout all the words after "improvement" in the fifth line thereof.

Section 141
amended

9. Section 141 of Ordinance 33 of 1893 is hereby amended by striking out all the words after the word "loan" in the second line thereof including all the subsections and inserting in lieu thereof the words "may be in the form marked A to this Ordinance altered as circumstances may require."

Section 27
amended

10. Section 27 of Ordinance 33 of 1893 is hereby amended by striking out the word "following" in the third line thereof and inserting the word "current" in lieu thereof.

Section 23
amended

11. Section 23 of Ordinance 33 of 1893 is hereby amended by striking out of the fourth line thereof the word "succeeding" and inserting in lieu thereof the word "current."

12. Section 108 is amended by inserting before the word <sup>Section 108
amended</sup> "places" where it first occurs in subsection 3 the words "one or more;" and by adding to subsection 6 thereof the words "but the voting thereat may take place in one or more places as the council by bylaw directs."

13. The council of the City of Calgary is hereby authorised <sup>Bylaw for
debentures
for local
improvements
for year 1901</sup> and empowered without taking the vote of the ratepayers thereon to pass a bylaw to raise the sum of \$1,462.52 to pay the city's share and \$1,462.52 to pay the share payable by the properties fronting upon the streets where such improvements have been made for local improvements undertaken and completed in the year 1900 upon petitions therefor duly received under section 134 of Ordinance No. 33 of the Ordinances of 1893 before amendment and to assess for the said sums upon the city in general and such properties respectively and to issue debentures therefor payable in seven years from the first day of January, 1901, bearing interest at four per centum per annum and to make the necessary assessments for payment of such debentures; such debentures and coupons to be in accordance with and signed as required by said Ordinance.

14. The purchase by the City of Calgary of the waterworks <sup>Confirmation
of purchase of
waterworks</sup> branch, plant, tools, franchise, real and personal property of the Calgary Gas and Waterworks Company Limited is hereby legalised and confirmed; and the city in addition to all other powers is hereby authorised and empowered to operate the said waterworks and to make rules and regulations for the government and operation of the said waterworks system and to enter into contracts for the sale and distribution of water therefrom as fully and effectually as may be deemed requisite by the city.

(2) The debentures issued under authority of bylaw No. 386 of the City of Calgary by the said city for the said purchase being for \$1,000 each and dated 1st July, A.D. 1899, and numbered from 1 to 90 inclusive with coupons attached for interest thereon payable half yearly at four per centum per annum and signed by W. H. Cushing, mayor and acting mayor, and Charles McMillan, clerk and treasurer of the city respectively and sealed with the seal of the said city are hereby confirmed and declared valid and binding on the said city.

1901

CHAPTER 41.

An Ordinance to authorise the City of Calgary to use the waters and falls of the Bow river at or near Kananaskis or the waters and falls of the Elbow river for Electric purposes.

[Assented to June 12, 1901.]

THE Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

Authority to
use waters of
Bow or Elbow
river

1. Upon obtaining a licence under the provisions of section 10 of *The North-West Irrigation Act 1898* and subject to the provisions of the said Act the City of Calgary shall have full power and authority to make use of the waters and falls of the Bow river at or near Kananaskis or of the Elbow river for the production of electricity for purposes of heat, light and power.

Construction
of works

(2) Subject to the provisions of the said Act the said city shall have full power and authority to construct, equip and maintain in, over and along the said falls and river such dams, buildings, works, engines, dynamos, machinery and contrivances as the city shall deem necessary or desirable for the production of electricity or electric power; and may construct, equip, erect and maintain overhead or underground lines of wire for the conduct of electricity; and may construct, erect and maintain such poles, trenches and other works and devices and stretch, establish and maintain such wires and circuits, batteries and other contrivances as the city may deem necessary, material or desirable for conducting electricity or electric power from the works to the city of Calgary and for furnishing light, heat and power in and about the said city.

Power to
construct
works on
roads, etc.

2. For all or any of the purposes aforesaid the city, its servants, workmen or agents are hereby empowered to enter upon any street, road, road allowance, highway, lane and public place or square and erect, construct, equip and maintain any of the said works and erect poles and stretch wires underground or overhead thereon or thereunder subject to the consent of any municipality within the limits of which such street, road, road allowance, highway, lane, public square or place may be situated or of the Commissioner of Public Works of the Territories if the same be not within the limits of any municipality and provided that the city shall do no unnecessary

damage and shall in all cases restore the surface disturbed by the city as far as possible to its former condition.

3. Subject to the provisions of the said *The North-West Irrigation Act 1898* the city shall have free access to the river channels, falls, stream, waters and back waters of the Bow river at or near Kananaskis or of the Elbow river and is hereby authorised to draw off the waters of the same and to construct cribs, sluices, flumes, reservoirs and other contrivances as may be necessary for any of the purposes herein-before mentioned.

4. The city is authorised and empowered to enter into any arrangement with the Canadian Pacific Railway Company for the purpose of erecting poles and stretching wires overhead or underground and repairing and maintaining the same for the transmission of electricity or electric power from the said works to the city of Calgary along, upon and over the right of way of the Canadian Pacific Railway Company or for any of the purposes in this Ordinance mentioned.

5. The city may pass bylaws and issue debentures for the purposes of this Ordinance or any of them under the provisions of Ordinance 33 of 1893 and amendments thereto.

6. The said works shall be commenced by the city within three years from the date of the coming into force of this Ordinance.

1901

CHAPTER 42.

An Ordinance to Incorporate the Town of Red Deer.

[Assented to June 12, 1901.]

Preamble

WHEREAS application has been made by petition of the voters of the Village of Red Deer for an Ordinance to incorporate the said village a municipality under the name of the Town of Red Deer;

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the North-West Territories enacts as follows:

Incorporation

1. From and after the coming into force of this Ordinance the west half of section 16 and all those portions of the east half of section 17, the south-east quarter of section 20 and the south-west quarter of section 21 lying south of the Red Deer river all in township 38 range 27 west of the Fourth Meridian in the District of Alberta in the North-West Territories containing six hundred and fifty-four and one-half acres more or less are hereby erected and incorporated into a town municipality under the name of the Town of Red Deer.

Application of
Municipal
Ordinance

2. Except as hereinafter specifically provided the provisions of *The Municipal Ordinance* and amendments relating to town municipalities are hereby incorporated with and form part of this Ordinance.

Qualification
of voters at
first election

3. The persons qualified to vote for the first mayor and council shall be men, unmarried women and widows over twenty-one years of age who are assessed upon the then last revised assessment roll of The Red Deer Public School District No. 104 of the North-West Territories in the area of the town hereby created for income or personal property for \$200 or upward or who are named upon the said assessment roll either as occupant or owners of real property held in their own right or in the case of married men held by their wives for \$200 or upward.

Assessment
roll of school
district

4. The council of the Town of Red Deer may adopt the then last revised assessment roll of The Red Deer Public School District No. 104 of the North-West Territories in the area of the town hereby created for the levying and collecting of the rates required for the year 1901.

5. All provisions of *The Village Ordinance* and amendments respecting the prevention of disease, fire, billiard licences, licensing travelling showmen and entertainers, hawkers and peddlers, dog taxes and animals running at large and all regulations made thereunder having force and effect in the Village of Red Deer at the date of coming into force of this Ordinance, all provisions for the collection of such taxes and licence fees and all penalties for the infraction of any of the said provisions or regulations shall continue in full force in the Town of Red Deer as bylaws of the said town until amended or repealed by bylaws passed by the council.

6. All suits and rights of action by or against the Village of Red Deer shall after the date of the coming into force of this Ordinance be continued or maintainable by or against the continued Town of Red Deer.

7. The title to and all rights in respect of any real estate or other property of the Village of Red Deer shall be vested in the Town of Red Deer upon the coming into force of this Ordinance.

8. Except as herein otherwise provided the provisions of *The Village Ordinance* shall not apply to the Town of Red Deer or any part thereof after the coming into force of this Ordinance.

9. This Ordinance shall come into force on proclamation of the Lieutenant Governor on a date to be named therein; whereupon the said municipality shall except as herein otherwise declared be vested with all the powers described in *The Municipal Ordinance*; and the Lieutenant Governor may therein appoint a returning officer to hold on a date subsequent to that fixed for the coming into force of this Ordinance the first election of the mayor and councillors for the Town of Red Deer aforesaid and for the purposes of such election the provisions of *The Municipal Ordinance* as to elections generally shall *mutatis mutandis* also apply and the mayor and council elected shall thereupon hold office for the remainder of the year 1901 and thereafter as though said election had been held for the term commencing on the first day of January, 1902.

(2) The returning officer shall be the secretary treasurer for the said Town of Red Deer who shall before receiving any moneys on behalf of the town furnish the bond required by *The Municipal Ordinance* and shall hold office until his successor is appointed by the council.

10. Subject to the provisions of the next preceding section all books, accounts, records, costs, vouchers, moneys and all other property of the Village of Red Deer together with the auditor's report required by section 51 of *The Village Ordinance* shall forthwith on demand of the secretary

treasurer be delivered by the person last holding office as overseer of the said village to him the said secretary treasurer who shall for the purpose of receiving the said books, accounts, records, vouchers, moneys and other property be deemed to be the successor in office of such overseer.

Expense of
Ordinance to
be paid by
town

11. All expenses of and incidental to the passing of this Ordinance and the holding of the first election shall be paid by the said town.

1901

CHAPTER 43.

An Ordinance to Incorporate the Town of Cardston.

[Assented to June 12, 1901.]

WHEREAS application has been made by petition by the Preamble ratepayers of the Village of Cardston for an Ordinance to incorporate the said village a municipality under the name of the Town of Cardston; and

Whereas it is expedient that the said village and certain lands adjacent thereto should be incorporated a town municipality;

Therefore the Lieutenant Governor by and with the advice and consent of the Legislative Assembly of the Territories enacts as follows:

1. From and after the coming into force of this Ordinance Incorporation the whole of section 9 township 3 range 25 west of the Fourth Meridian in the District of Alberta in the North-West Territories of Canada is hereby incorporated as the Town of Cardston.

2. Except as hereinafter specially provided the provisions Application of Municipal Ordinance of *The Municipal Ordinance* and amendments thereto are hereby incorporated with and declared to form part of this Ordinance in so far as the same are applicable to town municipalities.

3. All the provisions of *The Village Ordinance* and amendments thereto respecting the prevention of disease, the Application of provisions of Village Ordinance prevention of fire, billiard licences, licensing travelling showmen and entertainers, hawkers and peddlers, dog taxes and animals running at large and all regulations made thereunder having force and effect in the Village of Cardston at the date of coming into force of this Ordinance, all provisions for the collecting of such taxes and licence fees and all penalties for the infraction of any of the said provisions and regulations shall continue in full force and effect in the Town of Cardston as bylaws of the said town until amended or repealed by bylaws passed by the council.

4. Except as herein otherwise provided the provisions of *Village Ordinance* generally not to apply *The Village Ordinance* shall not apply to the Town of Cardston or any part thereof after the coming into force of this Ordinance.

Ordinance to come into force on proclamation

5. This Ordinance shall come into force on proclamation of the Lieutenant Governor on a date to be named therein and such proclamation shall also name a place and dates for the nomination and election of the first mayor and council and no further notice of such nomination and election shall be required.

Secretary treasurer to be appointed

(2) After the coming into force of this Ordinance the Lieutenant Governor may appoint a secretary treasurer for the said Town of Cardston who shall before receiving any moneys on behalf of the town furnish the bond required by section 109 of *The Municipal Ordinance* and shall hold office until his successor is appointed by the council.

Secretary treasurer to be first returning officer

(3) The secretary treasurer shall be the returning officer at the said first election; and for the purpose of such election the provisions of *The Municipal Ordinance* shall apply with the necessary changes in matters of detail; and the mayor and council elected thereat shall hold office for the remainder of the year 1901 as though said election had been held on the second Monday in December in the year 1900.

Expenses of first election

(4) All expenses of and incident to the holding of the said first election including the preparation, publication and revision of the voters' list and publication of the Lieutenant Governor's proclamation shall be a charge upon the revenue of the said Town of Cardston.

Qualification of voters at first election

6. The persons qualified to vote for the first mayor and council shall be men, unmarried women and widows over twenty-one years of age who are assessed upon the then last revised assessment roll of The Cardston Public School District No. 457 of the North-West Territories in the area of the town hereby created for income or personal property for \$200 or upward or who are named upon the said assessment roll either as occupant or owners of real property held in their own right or in the case of married men held by their wives for \$200 or upward.

Overseer of village to deliver property to secretary treasurer

7. Subject to the provisions of the next preceding section all books, accounts, records, lists, vouchers, moneys and all other property of the Village of Cardston together with the auditor's report required by section 51 of *The Village Ordinance* shall forthwith on demand of the said secretary treasurer be delivered by the person last holding the office of overseer of the said village to him the said secretary treasurer who shall for the purpose of receiving the said books, accounts, records, lists, vouchers, moneys and other property be deemed to be the successor of such overseer.

Expenses of Ordinance how paid

8. All expenses of and incidental to the passing of this Ordinance shall be paid by the said municipality.

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